

House File 2578 - Introduced

HOUSE FILE 2578

BY COMMITTEE ON APPROPRIATIONS

(SUCCESSOR TO LSB 5004HB)

A BILL FOR

1 An Act relating to appropriations for health and human
2 services and veterans and including other related provisions
3 and appropriations, providing penalties, and including
4 effective date and retroactive and other applicability date
5 provisions.

6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

DIVISION I

DEPARTMENT ON AGING — FY 2022-2023

Section 1. DEPARTMENT ON AGING. There is appropriated from the general fund of the state to the department on aging for the fiscal year beginning July 1, 2022, and ending June 30, 2023, the following amount, or so much thereof as is necessary, to be used for the purposes designated:

For aging programs for the department on aging and area agencies on aging to provide citizens of Iowa who are 60 years of age and older with case management, Iowa's aging and disabilities resource center, and other services which may include but are not limited to adult day, respite care, chore, information and assistance, and material aid, for information and options counseling for persons with disabilities who are 18 years of age or older, and for salaries, support, administration, maintenance, and miscellaneous purposes, and for not more than the following full-time equivalent positions:

.....	\$ 11,804,082
.....	FTEs 28.00

1. Funds appropriated in this section may be used to supplement federal funds under federal regulations. To receive funds appropriated in this section, a local area agency on aging shall match the funds with moneys from other sources according to rules adopted by the department. Funds appropriated in this section may be used for elderly services not specifically enumerated in this section only if approved by an area agency on aging for provision of the service within the area.

2. Of the funds appropriated in this section, \$418,700 is transferred to the economic development authority for the Iowa commission on volunteer services to be used for the retired and senior volunteer program.

3. a. The department on aging shall establish and enforce procedures relating to expenditure of state and federal funds by area agencies on aging that require compliance with both

1 state and federal laws, rules, and regulations, including but
2 not limited to all of the following:

3 (1) Requiring that expenditures are incurred only for goods
4 or services received or performed prior to the end of the
5 fiscal period designated for use of the funds.

6 (2) Prohibiting prepayment for goods or services not
7 received or performed prior to the end of the fiscal period
8 designated for use of the funds.

9 (3) Prohibiting prepayment for goods or services not
10 defined specifically by good or service, time period, or
11 recipient.

12 (4) Prohibiting the establishment of accounts from which
13 future goods or services which are not defined specifically by
14 good or service, time period, or recipient, may be purchased.

15 b. The procedures shall provide that if any funds are
16 expended in a manner that is not in compliance with the
17 procedures and applicable federal and state laws, rules, and
18 regulations, and are subsequently subject to repayment, the
19 area agency on aging expending such funds in contravention of
20 such procedures, laws, rules and regulations, not the state,
21 shall be liable for such repayment.

22 4. Of the funds appropriated in this section, \$1,312,000
23 shall be used for the purposes of [chapter 231E](#) and to
24 administer the prevention of elder abuse, neglect, and
25 exploitation program pursuant to [section 231.56A](#), in accordance
26 with the requirements of the federal Older Americans Act of
27 1965, 42 U.S.C. §3001 et seq., as amended.

28 5. Of the funds appropriated in this section, \$1,000,000
29 shall be used to fund continuation of the aging and disability
30 resource center lifelong links to provide individuals and
31 caregivers with information and services to plan for and
32 maintain independence.

33 6. Of the funds appropriated in this section, \$850,000
34 shall be used by the department on aging, in collaboration with
35 the department of human services and affected stakeholders,

1 to continue to expand the pilot initiative to provide
 2 long-term care options counseling utilizing support planning
 3 protocols, to assist non-Medicaid eligible consumers who
 4 indicate a preference to return to the community and are
 5 deemed appropriate for discharge, to return to their community
 6 following a nursing facility stay; and shall be used by the
 7 department on aging to fund home and community-based services
 8 to enable older individuals to avoid more costly utilization
 9 of residential or institutional services and remain in their
 10 homes. The department on aging shall submit a report regarding
 11 the outcomes of the pilot initiative to the governor and the
 12 general assembly by December 15, 2022.

13 DIVISION II

14 OFFICE OF LONG-TERM CARE OMBUDSMAN — FY 2022-2023

15 Sec. 2. OFFICE OF LONG-TERM CARE OMBUDSMAN. There is
 16 appropriated from the general fund of the state to the office
 17 of long-term care ombudsman for the fiscal year beginning July
 18 1, 2022, and ending June 30, 2023, the following amount, or
 19 so much thereof as is necessary, to be used for the purposes
 20 designated:

21 For salaries, support, administration, maintenance, and
 22 miscellaneous purposes, and for not more than the following
 23 full-time equivalent positions:

24	\$	1,449,821
25	FTEs	16.00

26 DIVISION III

27 DEPARTMENT OF PUBLIC HEALTH — FY 2022-2023

28 Sec. 3. DEPARTMENT OF PUBLIC HEALTH. There is appropriated
 29 from the general fund of the state to the department of public
 30 health for the fiscal year beginning July 1, 2022, and ending
 31 June 30, 2023, the following amounts, or so much thereof as is
 32 necessary, to be used for the purposes designated:

33 1. ADDICTIVE DISORDERS

34 For reducing the prevalence of the use of tobacco, alcohol,
 35 and other drugs, and treating individuals affected by addictive

1 behaviors, including gambling, and for not more than the
2 following full-time equivalent positions:

3 \$ 23,659,379
4 FTEs 12.00

5 a. Of the funds appropriated in this subsection, \$4,020,894
6 shall be used for the tobacco use prevention and control
7 initiative, including efforts at the state and local levels,
8 as provided in [chapter 142A](#). The commission on tobacco use
9 prevention and control established pursuant to [section 142A.3](#)
10 shall advise the director of public health in prioritizing
11 funding needs and the allocation of moneys appropriated for
12 the programs and initiatives. Activities of the programs
13 and initiatives shall be in alignment with the United States
14 centers for disease control and prevention best practices
15 for comprehensive tobacco control programs that include
16 the goals of preventing youth initiation of tobacco usage,
17 reducing exposure to secondhand smoke, and promotion of tobacco
18 cessation.

19 b. (1) Of the funds appropriated in this subsection,
20 \$19,638,485 shall be used for problem gambling and
21 substance-related disorder prevention, treatment, and recovery
22 services, including a 24-hour helpline, public information
23 resources, professional training, youth prevention, and program
24 evaluation.

25 (2) Of the amount allocated under this paragraph, \$306,000
26 shall be utilized by the department of public health, in
27 collaboration with the department of human services, to
28 maintain a single statewide 24-hour crisis hotline for the Iowa
29 children's behavioral health system that incorporates warmline
30 services which may be provided through expansion of existing
31 capabilities maintained by the department of public health as
32 required pursuant to [2018 Iowa Acts, chapter 1056, section 16](#).

33 c. The requirement of [section 123.17, subsection 5](#), is met
34 by the appropriations and allocations made in this division of
35 this Act for purposes of substance-related disorder treatment

1 and addictive disorders for the fiscal year beginning July 1,
2 2022.

3 2. HEALTHY CHILDREN AND FAMILIES

4 For promoting the optimum health status for children and
5 adolescents from birth through 21 years of age, and families,
6 and for not more than the following full-time equivalent
7 positions:

8	\$	5,816,681
9	FTEs	14.00

10 3. CHRONIC CONDITIONS

11 For serving individuals identified as having chronic
12 conditions or special health care needs, and for not more than
13 the following full-time equivalent positions:

14	\$	4,258,373
15	FTEs	10.00

16 4. COMMUNITY CAPACITY

17 For strengthening the health care delivery system at the
18 local level, and for not more than the following full-time
19 equivalent positions:

20	\$	6,519,306
21	FTEs	13.00

22 a. Of the funds appropriated in this subsection, \$2,100,000
23 shall be deposited in the medical residency training account
24 created in [section 135.175, subsection 5](#), paragraph "a", and
25 is appropriated from the account to the department of public
26 health to be used for the purposes of the medical residency
27 training state matching grants program as specified in section
28 135.176.

29 b. Of the funds appropriated in this subsection, \$800,000
30 shall be used for rural psychiatric residencies to support the
31 annual creation and training of six psychiatric residents who
32 will provide mental health services in underserved areas of
33 the state. Notwithstanding section 8.33, moneys that remain
34 unencumbered or unobligated at the close of the fiscal year
35 shall not revert but shall remain available for expenditure for

1 the purposes designated for subsequent fiscal years.

2 c. Of the funds appropriated in this subsection, \$425,000
 3 shall be used for the creation or continuation of a center of
 4 excellence program to encourage innovation and collaboration
 5 among regional health care providers in a rural area based
 6 upon the results of a regional community needs assessment to
 7 transform health care delivery in order to provide quality,
 8 sustainable care that meets the needs of the local communities.
 9 An applicant for the funds shall specify how the funds will
 10 be expended to accomplish the goals of the program and shall
 11 provide a detailed five-year sustainability plan prior to
 12 being awarded any funding. Following the receipt of funding,
 13 a recipient shall submit periodic reports as specified by the
 14 department to the governor and the general assembly regarding
 15 the recipient's expenditure of the funds and progress in
 16 accomplishing the program goals.

17 5. ESSENTIAL PUBLIC HEALTH SERVICES

18 To provide public health services that reduce risks and
 19 invest in promoting and protecting good health over the
 20 course of a lifetime with a priority given to older Iowans and
 21 vulnerable populations:

22 \$ 7,662,464

23 6. INFECTIOUS DISEASES

24 For reducing the incidence and prevalence of communicable
 25 diseases, and for not more than the following full-time
 26 equivalent positions:

27 \$ 1,796,206

28 FTEs 6.00

29 7. PUBLIC PROTECTION

30 a. For protecting the health and safety of the public
 31 through establishing standards and enforcing regulations, and
 32 for not more than the following full-time equivalent positions:

33 \$ 4,466,601

34 FTEs 142.00

35 b. Of the funds appropriated in this subsection, not more

1 than \$304,000 shall be credited to the emergency medical
 2 services fund created in [section 135.25](#). Moneys in the
 3 emergency medical services fund are appropriated to the
 4 department to be used for the purposes of the fund.

5 8. RESOURCE MANAGEMENT

6 For establishing and sustaining the overall ability of the
 7 department to deliver services to the public, and for not more
 8 than the following full-time equivalent positions:

9	\$	933,871
10	FTEs	4.00

11 9. MISCELLANEOUS PROVISIONS

12 The university of Iowa hospitals and clinics under the
 13 control of the state board of regents shall not receive
 14 indirect costs from the funds appropriated in this section.
 15 The university of Iowa hospitals and clinics billings to the
 16 department shall be on at least a quarterly basis.

17 Sec. 4. DEPARTMENT OF PUBLIC HEALTH — SPORTS WAGERING
 18 RECEIPTS FUND. There is appropriated from the sports wagering
 19 receipts fund created in section 8.57, subsection 6, to the
 20 department of public health for the fiscal year beginning July
 21 1, 2022, and ending June 30, 2023, the following amount, or
 22 so much thereof as is necessary, to be used for the purposes
 23 designated:

24 For problem gambling and substance-related disorder
 25 prevention, treatment, and recovery services, including a
 26 24-hour helpline, public information resources, professional
 27 training, youth prevention, and program evaluation:

28	\$	1,750,000
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29 DIVISION IV

30 DEPARTMENT OF VETERANS AFFAIRS — FY 2022-2023

31 Sec. 5. DEPARTMENT OF VETERANS AFFAIRS. There is
 32 appropriated from the general fund of the state to the
 33 department of veterans affairs for the fiscal year beginning
 34 July 1, 2022, and ending June 30, 2023, the following amounts,
 35 or so much thereof as is necessary, to be used for the purposes

1 designated:

2 1. DEPARTMENT OF VETERANS AFFAIRS ADMINISTRATION

3 For salaries, support, maintenance, and miscellaneous
4 purposes, and for not more than the following full-time
5 equivalent positions:

6 \$ 1,229,763

7 FTEs 15.00

8 2. IOWA VETERANS HOME

9 For salaries, support, maintenance, and miscellaneous
10 purposes:

11 \$ 7,131,552

12 a. The Iowa veterans home billings involving the department
13 of human services shall be submitted to the department on at
14 least a monthly basis.

15 b. The Iowa veterans home expenditure report shall be
16 submitted monthly to the general assembly.

17 c. The Iowa veterans home shall continue to include in the
18 annual discharge report applicant information to provide for
19 the collection of demographic information including but not
20 limited to the number of individuals applying for admission and
21 admitted or denied admittance and the basis for the admission
22 or denial; the age, gender, and race of such individuals;
23 and the level of care for which such individuals applied for
24 admission including residential or nursing level of care.

25 3. HOME OWNERSHIP ASSISTANCE PROGRAM

26 For transfer to the Iowa finance authority for the
27 continuation of the home ownership assistance program for
28 persons who are or were eligible members of the armed forces of
29 the United States, pursuant to [section 16.54](#):

30 \$ 2,000,000

31 Sec. 6. LIMITATION OF COUNTY COMMISSIONS OF VETERAN AFFAIRS
32 FUND STANDING APPROPRIATIONS. Notwithstanding the standing
33 appropriation in [section 35A.16](#) for the fiscal year beginning
34 July 1, 2022, and ending June 30, 2023, the amount appropriated
35 from the general fund of the state pursuant to that section

1 for the following designated purposes shall not exceed the
2 following amount:

3 For the county commissions of veteran affairs fund under
4 section 35A.16:

5 \$ 990,000

6 DIVISION V

7 DEPARTMENT OF HUMAN SERVICES — FY 2022-2023

8 Sec. 7. TEMPORARY ASSISTANCE FOR NEEDY FAMILIES BLOCK

9 GRANT. There is appropriated from the fund created in section
10 8.41 to the department of human services for the fiscal year
11 beginning July 1, 2022, and ending June 30, 2023, from moneys
12 received under the federal temporary assistance for needy
13 families (TANF) block grant pursuant to the federal Personal
14 Responsibility and Work Opportunity Reconciliation Act of 1996,
15 Pub. L. No. 104-193, and successor legislation, the following
16 amounts, or so much thereof as is necessary, to be used for the
17 purposes designated:

18 1. To be credited to the family investment program account
19 and used for assistance under the family investment program
20 under [chapter 239B](#):

21 \$ 5,002,006

22 2. To be credited to the family investment program account
23 and used for the job opportunities and basic skills (JOBS)
24 program and implementing family investment agreements in
25 accordance with [chapter 239B](#):

26 \$ 5,412,060

27 3. To be used for the family development and
28 self-sufficiency grant program in accordance with section
29 216A.107:

30 \$ 2,888,980

31 Notwithstanding [section 8.33](#), moneys appropriated in this
32 subsection that remain unencumbered or unobligated at the close
33 of the fiscal year shall not revert but shall remain available
34 for expenditure for the purposes designated until the close of
35 the succeeding fiscal year. However, unless such moneys are

1 encumbered or obligated on or before September 30, 2023, the
2 moneys shall revert.

3 4. For field operations:

4 \$ 31,296,232

5 5. For general administration:

6 \$ 3,744,000

7 6. For state child care assistance:

8 \$ 47,166,826

9 a. Of the funds appropriated in this subsection,
10 \$26,205,412 is transferred to the child care and development
11 block grant appropriation made by the Eighty-ninth General
12 Assembly, 2022 session, for the federal fiscal year beginning
13 October 1, 2022, and ending September 30, 2023. Of this
14 amount, \$200,000 shall be used for provision of educational
15 opportunities to registered child care home providers in order
16 to improve services and programs offered by this category
17 of providers and to increase the number of providers. The
18 department may contract with institutions of higher education
19 or child care resource and referral centers to provide
20 the educational opportunities. Allowable administrative
21 costs under the contracts shall not exceed 5 percent. The
22 application for a grant shall not exceed two pages in length.

23 b. Any funds appropriated in this subsection remaining
24 unallocated shall be used for state child care assistance
25 payments for families who are employed including but not
26 limited to individuals enrolled in the family investment
27 program.

28 7. For child and family services:

29 \$ 32,380,654

30 8. For child abuse prevention grants:

31 \$ 125,000

32 9. For pregnancy prevention grants on the condition that
33 family planning services are funded:

34 \$ 1,913,203

35 Pregnancy prevention grants shall be awarded to programs

1 in existence on or before July 1, 2022, if the programs have
 2 demonstrated positive outcomes. Grants shall be awarded to
 3 pregnancy prevention programs which are developed after July
 4 1, 2022, if the programs are based on existing models that
 5 have demonstrated positive outcomes. Grants shall comply with
 6 the requirements provided in 1997 Iowa Acts, chapter 208,
 7 section 14, subsections 1 and 2, including the requirement that
 8 grant programs must emphasize sexual abstinence. Priority in
 9 the awarding of grants shall be given to programs that serve
 10 areas of the state which demonstrate the highest percentage of
 11 unplanned pregnancies of females of childbearing age within the
 12 geographic area to be served by the grant.

13 10. For technology needs and other resources necessary to
 14 meet federal and state reporting, tracking, and case management
 15 requirements and other departmental needs:

16 \$ 1,037,186

17 11. a. Notwithstanding any provision to the contrary,
 18 including but not limited to requirements in [section 8.41](#) or
 19 provisions in 2021 Iowa Acts or 2022 Iowa Acts regarding the
 20 receipt and appropriation of federal block grants, federal
 21 funds from the temporary assistance for needy families block
 22 grant received by the state and not otherwise appropriated
 23 in this section and remaining available for the fiscal year
 24 beginning July 1, 2022, are appropriated to the department of
 25 human services to the extent as may be necessary to be used in
 26 the following priority order: the family investment program,
 27 for state child care assistance program payments for families
 28 who are employed, and for the family investment program share
 29 of system costs for eligibility determination and related
 30 functions. The federal funds appropriated in this paragraph
 31 "a" shall be expended only after all other funds appropriated
 32 in subsection 1 for assistance under the family investment
 33 program, in subsection 6 for state child care assistance, or
 34 in subsection 10 for technology needs and other resources
 35 necessary to meet departmental needs, as applicable, have been

1 expended. For the purposes of this subsection, the funds
2 appropriated in subsection 6, paragraph "a", for transfer
3 to the child care and development block grant appropriation
4 are considered fully expended when the full amount has been
5 transferred.

6 b. The department shall, on a quarterly basis, advise the
7 general assembly and department of management of the amount of
8 funds appropriated in this subsection that was expended in the
9 prior quarter.

10 12. Of the amounts appropriated in this section,
11 \$12,962,008 for the fiscal year beginning July 1, 2022, is
12 transferred to the appropriation of the federal social services
13 block grant made to the department of human services for that
14 fiscal year.

15 13. For continuation of the program providing categorical
16 eligibility for the supplemental nutrition assistance program
17 (SNAP) as specified for the program in the section of this
18 division of this Act relating to the family investment program
19 account:

20 \$ 14,236

21 14. The department may transfer funds allocated in this
22 section to the appropriations made in this division of this Act
23 for the same fiscal year for general administration and field
24 operations for resources necessary to implement and operate the
25 services referred to in this section and those funded in the
26 appropriation made in this division of this Act for the same
27 fiscal year for the family investment program from the general
28 fund of the state.

29 15. With the exception of moneys allocated under this
30 section for the family development and self-sufficiency grant
31 program, to the extent moneys allocated in this section are
32 deemed by the department not to be necessary to support the
33 purposes for which they are allocated, such moneys may be used
34 in the same fiscal year for any other purpose for which funds
35 are allocated in this section or in section 8 of this division

1 of this Act for the family investment program account. If
 2 there are conflicting needs, priority shall first be given
 3 to the family investment program account as specified under
 4 subsection 1 of this section and used for the purposes of
 5 assistance under the family investment program in accordance
 6 with [chapter 239B](#), followed by state child care assistance
 7 program payments for families who are employed, followed by
 8 other priorities as specified by the department.

9 Sec. 8. FAMILY INVESTMENT PROGRAM ACCOUNT.

10 1. Moneys credited to the family investment program (FIP)
 11 account for the fiscal year beginning July 1, 2022, and
 12 ending June 30, 2023, shall be used to provide assistance in
 13 accordance with [chapter 239B](#).

14 2. The department may use a portion of the moneys credited
 15 to the FIP account under this section as necessary for
 16 salaries, support, maintenance, and miscellaneous purposes,
 17 including administrative and information technology costs
 18 associated with rent reimbursement and other income assistance
 19 programs administered by the department.

20 3. The department may transfer funds allocated in
 21 subsection 4, excluding the allocation under subsection 4,
 22 paragraph "b", to the appropriations made in this division of
 23 this Act for the same fiscal year for general administration
 24 and field operations for resources necessary to implement
 25 and operate the services referred to in this section and
 26 those funded in the appropriations made in section 7 for the
 27 temporary assistance for needy families block grant and in
 28 section 9 for the family investment program from the general
 29 fund of the state in this division of this Act for the same
 30 fiscal year.

31 4. Moneys appropriated in this division of this Act and
 32 credited to the FIP account for the fiscal year beginning July
 33 1, 2022, and ending June 30, 2023, are allocated as follows:

34 a. To be retained by the department of human services to
 35 be used for coordinating with the department of human rights

1 to more effectively serve participants in FIP and other shared
2 clients and to meet federal reporting requirements under the
3 federal temporary assistance for needy families block grant:
4 \$ 10,000

5 b. To the department of human rights for staffing,
6 administration, and implementation of the family development
7 and self-sufficiency grant program in accordance with section
8 216A.107:

9 \$ 7,192,834

10 (1) Of the funds allocated for the family development
11 and self-sufficiency grant program in this paragraph "b",
12 not more than 5 percent of the funds shall be used for the
13 administration of the grant program.

14 (2) The department of human rights may continue to implement
15 the family development and self-sufficiency grant program
16 statewide during fiscal year 2022-2023.

17 (3) The department of human rights may engage in activities
18 to strengthen and improve family outcomes measures and
19 data collection systems under the family development and
20 self-sufficiency grant program.

21 c. For the diversion subaccount of the FIP account:

22 \$ 1,293,000

23 A portion of the moneys allocated for the diversion
24 subaccount may be used for field operations, salaries, data
25 management system development, and implementation costs and
26 support deemed necessary by the director of human services
27 in order to administer the FIP diversion program. To the
28 extent moneys allocated in this paragraph "c" are deemed by the
29 department not to be necessary to support diversion activities,
30 such moneys may be used for other efforts intended to increase
31 engagement by family investment program participants in work,
32 education, or training activities, or for the purposes of
33 assistance under the family investment program in accordance
34 with [chapter 239B](#).

35 d. For the SNAP employment and training program:

1 \$ 66,588

2 (1) The department shall apply the federal SNAP employment

3 and training state plan in order to maximize to the fullest

4 extent permitted by federal law the use of the 50 percent

5 federal reimbursement provisions for the claiming of allowable

6 federal reimbursement funds from the United States department

7 of agriculture pursuant to the federal SNAP employment and

8 training program for providing education, employment, and

9 training services for eligible SNAP participants, including

10 but not limited to related dependent care and transportation

11 expenses.

12 (2) The department shall continue the categorical

13 federal SNAP eligibility at 160 percent of the federal

14 poverty level and continue to eliminate the asset test from

15 eligibility requirements, consistent with federal SNAP program

16 requirements. The department shall include as many SNAP

17 households as is allowed by federal law. The eligibility

18 provisions shall conform to all federal requirements including

19 requirements addressing individuals who are disqualified for

20 committing an intentional program violation or are otherwise

21 ineligible.

22 e. For the JOBS program, not more than:

23 \$ 12,018,258

24 5. Of the child support collections assigned under FIP,

25 an amount equal to the federal share of support collections

26 shall be credited to the child support recovery appropriation

27 made in this division of this Act. Of the remainder of the

28 assigned child support collections received by the child

29 support recovery unit, a portion shall be credited to the FIP

30 account, a portion may be used to increase recoveries, and a

31 portion may be used to sustain cash flow in the child support

32 payments account. If as a consequence of the appropriations

33 and allocations made in this section the resulting amounts

34 are insufficient to sustain cash assistance payments and meet

35 federal maintenance of effort requirements, the department

1 shall seek supplemental funding. If child support collections
2 assigned under FIP are greater than estimated or are otherwise
3 determined not to be required for maintenance of effort, the
4 state share of either amount may be transferred to or retained
5 in the child support payments account.

6 Sec. 9. FAMILY INVESTMENT PROGRAM GENERAL FUND. There
7 is appropriated from the general fund of the state to the
8 department of human services for the fiscal year beginning July
9 1, 2022, and ending June 30, 2023, the following amount, or
10 so much thereof as is necessary, to be used for the purpose
11 designated:

12 To be credited to the family investment program (FIP)
13 account and used for family investment program assistance
14 under [chapter 239B](#) and other costs associated with providing
15 needs-based benefits or assistance:

16 \$ 41,003,978

17 1. Of the funds appropriated in this section, \$6,606,198 is
18 allocated for the JOBS program.

19 2. Of the funds appropriated in this section, \$4,313,854 is
20 allocated for the family development and self-sufficiency grant
21 program.

22 3. a. Notwithstanding [section 8.39](#), for the fiscal
23 year beginning July 1, 2022, if necessary to meet federal
24 maintenance of effort requirements or to transfer federal
25 temporary assistance for needy families block grant funding
26 to be used for purposes of the federal social services block
27 grant or to meet cash flow needs resulting from delays in
28 receiving federal funding or to implement, in accordance with
29 this division of this Act, activities currently funded with
30 juvenile court services, county, or community moneys and state
31 moneys used in combination with such moneys; to comply with
32 federal requirements; or to maximize the use of federal funds;
33 the department of human services may transfer funds within or
34 between any of the appropriations made in this division of this
35 Act and appropriations in law for the federal social services

1 block grant to the department for the following purposes,
2 provided that the combined amount of state and federal
3 temporary assistance for needy families block grant funding
4 for each appropriation remains the same before and after the
5 transfer:

- 6 (1) For the family investment program.
- 7 (2) For state child care assistance.
- 8 (3) For child and family services.
- 9 (4) For field operations.
- 10 (5) For general administration.

11 b. This subsection shall not be construed to prohibit the
12 use of existing state transfer authority for other purposes.
13 The department shall report any transfers made pursuant to this
14 subsection to the general assembly.

15 4. Of the funds appropriated in this section, \$195,000
16 shall be used for a contract for tax preparation assistance
17 to low-income Iowans to expand the usage of the earned income
18 tax credit. The purpose of the contract is to supply this
19 assistance to underserved areas of the state. The department
20 shall not retain any portion of the allocation under this
21 subsection for administrative costs.

22 5. Of the funds appropriated in this section, \$70,000 shall
23 be used for the continuation of the parenting program, as
24 specified in [441 IAC ch. 100](#), relating to parental obligations,
25 in which the child support recovery unit participates, to
26 support the efforts of a nonprofit organization committed to
27 strengthening the community through youth development, healthy
28 living, and social responsibility headquartered in a county
29 with a population over 450,000 according to the 2020 certified
30 federal census. The funds allocated in this subsection shall
31 be used by the recipient organization to develop a larger
32 community effort, through public and private partnerships, to
33 support a broad-based multi-county parenthood initiative that
34 promotes payment of child support obligations, improved family
35 relationships, and full-time employment.

1 6. The department may transfer funds appropriated in this
 2 section, excluding the allocation in subsection 2 for the
 3 family development and self-sufficiency grant program, to the
 4 appropriations made in this division of this Act for general
 5 administration and field operations as necessary to administer
 6 this section, section 7 for the temporary assistance for needy
 7 families block grant, and section 8 for the family investment
 8 program account.

9 Sec. 10. CHILD SUPPORT RECOVERY. There is appropriated
 10 from the general fund of the state to the department of human
 11 services for the fiscal year beginning July 1, 2022, and ending
 12 June 30, 2023, the following amount, or so much thereof as is
 13 necessary, to be used for the purposes designated:

14 For child support recovery, including salaries, support,
 15 maintenance, and miscellaneous purposes, and for not more than
 16 the following full-time equivalent positions:

17	\$ 15,942,885
18	FTEs 459.00

19 1. The department shall expend up to \$24,000, including
 20 federal financial participation, for the fiscal year beginning
 21 July 1, 2022, for a child support public awareness campaign.
 22 The department and the office of the attorney general shall
 23 cooperate in continuation of the campaign. The public
 24 awareness campaign shall emphasize, through a variety of
 25 media activities, the importance of maximum involvement of
 26 both parents in the lives of their children as well as the
 27 importance of payment of child support obligations.

28 2. Federal access and visitation grant moneys shall be
 29 issued directly to private not-for-profit agencies that provide
 30 services designed to increase compliance with the child access
 31 provisions of court orders, including but not limited to
 32 neutral visitation sites and mediation services.

33 3. The appropriation made to the department for child
 34 support recovery may be used throughout the fiscal year in the
 35 manner necessary for purposes of cash flow management, and for

1 cash flow management purposes the department may temporarily
 2 draw more than the amount appropriated, provided the amount
 3 appropriated is not exceeded at the close of the fiscal year.

4 Sec. 11. HEALTH CARE TRUST FUND — MEDICAL ASSISTANCE —
 5 FY 2022-2023. Any funds remaining in the health care trust
 6 fund created in [section 453A.35A](#) for the fiscal year beginning
 7 July 1, 2022, and ending June 30, 2023, are appropriated to
 8 the department of human services to supplement the medical
 9 assistance program appropriations made in this division of this
 10 Act, for medical assistance reimbursement and associated costs,
 11 including program administration and costs associated with
 12 program implementation.

13 Sec. 12. MEDICAID FRAUD FUND — MEDICAL ASSISTANCE — FY
 14 2022-2023. Any funds remaining in the Medicaid fraud fund
 15 created in [section 249A.50](#) for the fiscal year beginning
 16 July 1, 2022, and ending June 30, 2023, are appropriated to
 17 the department of human services to supplement the medical
 18 assistance appropriations made in this division of this Act,
 19 for medical assistance reimbursement and associated costs,
 20 including program administration and costs associated with
 21 program implementation.

22 Sec. 13. MEDICAL ASSISTANCE. There is appropriated from the
 23 general fund of the state to the department of human services
 24 for the fiscal year beginning July 1, 2022, and ending June 30,
 25 2023, the following amount, or so much thereof as is necessary,
 26 to be used for the purpose designated:

27 For medical assistance program reimbursement and associated
 28 costs as specifically provided in the reimbursement
 29 methodologies in effect on June 30, 2022, except as otherwise
 30 expressly authorized by law, consistent with options under
 31 federal law and regulations, and contingent upon receipt of
 32 approval from the office of the governor of reimbursement for
 33 each abortion performed under the program:

34 \$ 1,539,659,031

35 1. Iowans support reducing the number of abortions

1 performed in our state. Funds appropriated under this section
2 shall not be used for abortions, unless otherwise authorized
3 under this section.

4 2. The provisions of this section relating to abortions
5 shall also apply to the Iowa health and wellness plan created
6 pursuant to [chapter 249N](#).

7 3. The department shall utilize not more than \$60,000 of
8 the funds appropriated in this section to continue the AIDS/HIV
9 health insurance premium payment program as established in 1992
10 Iowa Acts, Second Extraordinary Session, chapter 1001, section
11 409, subsection 6. Of the funds allocated in this subsection,
12 not more than \$5,000 may be expended for administrative
13 purposes.

14 4. Of the funds appropriated in this Act to the department
15 of public health for addictive disorders, \$950,000 for
16 the fiscal year beginning July 1, 2022, is transferred
17 to the department of human services for an integrated
18 substance-related disorder managed care system. The
19 departments of human services and public health shall
20 work together to maintain the level of mental health and
21 substance-related disorder treatment services provided by the
22 managed care contractors. Each department shall take the steps
23 necessary to continue the federal waivers as necessary to
24 maintain the level of services.

25 5. The department shall aggressively pursue options for
26 providing medical assistance or other assistance to individuals
27 with special needs who become ineligible to continue receiving
28 services under the early and periodic screening, diagnostic,
29 and treatment program under the medical assistance program
30 due to becoming 21 years of age who have been approved for
31 additional assistance through the department's exception to
32 policy provisions, but who have health care needs in excess
33 of the funding available through the exception to policy
34 provisions.

35 6. Of the funds appropriated in this section, up to

1 \$3,050,082 may be transferred to the field operations or
2 general administration appropriations in this division of this
3 Act for operational costs associated with Part D of the federal
4 Medicare Prescription Drug Improvement and Modernization Act
5 of 2003, Pub. L. No. 108-173.

6 7. Of the funds appropriated in this section, up to \$442,100
7 may be transferred to the appropriation in this division of
8 this Act for health program operations to be used for clinical
9 assessment services and prior authorization of services.

10 8. A portion of the funds appropriated in this section may
11 be transferred to the appropriations in this division of this
12 Act for general administration, health program operations, the
13 children's health insurance program, or field operations to be
14 used for the state match cost to comply with the payment error
15 rate measurement (PERM) program for both the medical assistance
16 and children's health insurance programs as developed by the
17 centers for Medicare and Medicaid services of the United States
18 department of health and human services to comply with the
19 federal Improper Payments Information Act of 2002, Pub. L.
20 No. 107-300, and to support other reviews and quality control
21 activities to improve the integrity of these programs.

22 9. Of the funds appropriated in this section, a sufficient
23 amount is allocated to supplement the incomes of residents of
24 nursing facilities, intermediate care facilities for persons
25 with mental illness, and intermediate care facilities for
26 persons with an intellectual disability, with incomes of less
27 than \$50 in the amount necessary for the residents to receive a
28 personal needs allowance of \$50 per month pursuant to section
29 249A.30A.

30 10. One hundred percent of the nonfederal share of payments
31 to area education agencies that are medical assistance
32 providers for medical assistance-covered services provided to
33 medical assistance-covered children, shall be made from the
34 appropriation made in this section.

35 11. A portion of the funds appropriated in this section may

1 be transferred to the appropriation in this division of this
2 Act for health program operations to be used for administrative
3 activities associated with the money follows the person
4 demonstration project.

5 12. Of the funds appropriated in this section, \$349,011
6 shall be used for the administration of the health insurance
7 premium payment program, including salaries, support,
8 maintenance, and miscellaneous purposes.

9 13. a. The department may increase the amounts allocated
10 for salaries, support, maintenance, and miscellaneous purposes
11 associated with the medical assistance program, as necessary,
12 to sustain cost management efforts. The department shall
13 report any such increase to the general assembly and the
14 department of management.

15 b. If the savings to the medical assistance program from
16 ongoing cost management efforts exceed the associated cost
17 for the fiscal year beginning July 1, 2022, the department
18 may transfer any savings generated for the fiscal year due
19 to medical assistance program cost management efforts to the
20 appropriation made in this division of this Act for health
21 program operations or general administration to defray the
22 costs associated with implementing the efforts.

23 14. For the fiscal year beginning July 1, 2022, and ending
24 June 30, 2023, the replacement generation tax revenues required
25 to be deposited in the property tax relief fund pursuant to
26 section 437A.8, subsection 4, paragraph "d", and section
27 437A.15, subsection 3, paragraph "f", shall instead be credited
28 to and supplement the appropriation made in this section and
29 used for the allocations made in this section.

30 15. a. Of the funds appropriated in this section, up
31 to \$50,000 may be transferred by the department to the
32 appropriation made in this division of this Act to the
33 department for the same fiscal year for general administration
34 to be used for associated administrative expenses and for not
35 more than 1.00 full-time equivalent position, in addition to

1 those authorized for the same fiscal year, to be assigned to
2 implementing the children's mental health home project.

3 b. Of the funds appropriated in this section, up to \$400,000
4 may be transferred by the department to the appropriation made
5 to the department in this division of this Act for the same
6 fiscal year for Medicaid program-related general administration
7 planning and implementation activities. The funds may be used
8 for contracts or for personnel in addition to the amounts
9 appropriated for and the positions authorized for general
10 administration for the fiscal year.

11 c. Of the funds appropriated in this section, up to
12 \$3,000,000 may be transferred by the department to the
13 appropriations made in this division of this Act for the
14 same fiscal year for general administration or health
15 program operations to be used to support the development
16 and implementation of standardized assessment tools for
17 persons with mental illness, an intellectual disability, a
18 developmental disability, or a brain injury.

19 16. Of the funds appropriated in this section, \$150,000
20 shall be used for lodging expenses associated with care
21 provided at the university of Iowa hospitals and clinics for
22 patients with cancer whose travel distance is 30 miles or more
23 and whose income is at or below 200 percent of the federal
24 poverty level as defined by the most recently revised poverty
25 income guidelines published by the United States department of
26 health and human services. The department of human services
27 shall establish the maximum number of overnight stays and the
28 maximum rate reimbursed for overnight lodging, which may be
29 based on the state employee rate established by the department
30 of administrative services. The funds allocated in this
31 subsection shall not be used as nonfederal share matching
32 funds.

33 17. Of the funds appropriated in this section, up to
34 \$3,383,880 shall be used for administration of the state family
35 planning services program pursuant to [section 217.41B](#), and

1 of this amount, the department may use up to \$200,000 for
2 administrative expenses.

3 18. Of the funds appropriated in this section, \$1,545,530
4 shall be used and may be transferred to other appropriations
5 in this division of this Act as necessary to administer the
6 provisions in the division of this Act relating to Medicaid
7 program administration.

8 19. The department shall comply with the centers for
9 Medicare and Medicaid services' guidance related to Medicaid
10 program and children's health insurance program maintenance
11 of effort provisions, including eligibility standards,
12 methodologies, procedures, and continuous enrollment, to
13 receive the enhanced federal medical assistance percentage
14 under section 6008(b) of the federal Families First Coronavirus
15 Response Act, Pub. L. No. 116-127. The department shall
16 utilize and implement all tools, processes, and resources
17 available to expediently return to normal eligibility and
18 enrollment operations in compliance with federal guidance and
19 expectations.

20 20. A portion of the funds appropriated in this section
21 may be transferred to the appropriation made in this division
22 of this Act for the children's health insurance program,
23 if the children's health insurance program appropriation
24 is insufficient to cover the designated purposes of that
25 appropriation.

26 21. No later than January 1, 2023, the department of
27 human services shall implement a tiered rate reimbursement
28 methodology for psychiatric intensive inpatient care under the
29 Medicaid program based on the level of patient acuity and other
30 factors as recommended in the inpatient bed tracking study
31 committee report submitted to the governor and the general
32 assembly on December 1, 2021.

33 22. The department of human services shall submit a Medicaid
34 state plan amendment to the centers for Medicare and Medicaid
35 services to request the addition of functional family therapy

1 and multisystemic therapy for youth as covered services under
2 the Medicaid program. The department shall include functional
3 family therapy and multisystemic therapy under the Medicaid
4 program as covered services upon receipt of federal approval.

5 23. Of the funds appropriated in this section, \$7,400,000
6 shall be used to implement reductions in the waiting list for
7 the home and community-based services waiver for persons with
8 an intellectual disability.

9 Sec. 14. HEALTH PROGRAM OPERATIONS. There is appropriated
10 from the general fund of the state to the department of human
11 services for the fiscal year beginning July 1, 2022, and ending
12 June 30, 2023, the following amount, or so much thereof as is
13 necessary, to be used for the purpose designated:

14 For health program operations:

15 \$ 17,446,343

16 1. The department of inspections and appeals shall
17 provide all state matching funds for survey and certification
18 activities performed by the department of inspections
19 and appeals. The department of human services is solely
20 responsible for distributing the federal matching funds for
21 such activities.

22 2. Of the funds appropriated in this section, \$50,000 shall
23 be used for continuation of home and community-based services
24 waiver quality assurance programs, including the review and
25 streamlining of processes and policies related to oversight and
26 quality management to meet state and federal requirements.

27 3. Of the amount appropriated in this section, up to
28 \$200,000 may be transferred to the appropriation for general
29 administration in this division of this Act to be used for
30 additional full-time equivalent positions in the development
31 of key health initiatives such as development and oversight
32 of managed care programs and development of health strategies
33 targeted toward improved quality and reduced costs in the
34 Medicaid program.

35 4. Of the funds appropriated in this section, \$1,000,000

1 shall be used for planning and development, in cooperation with
2 the department of public health, of a phased-in program to
3 provide a dental home for children.

4 5. a. Of the funds appropriated in this section, \$188,000
5 shall be credited to the autism support program fund created
6 in [section 225D.2](#) to be used for the autism support program
7 created in [chapter 225D](#), with the exception of the following
8 amount of this allocation which shall be used as follows:

9 b. Of the funds allocated in this subsection, \$25,000 shall
10 be used for the public purpose of continuation of a grant to
11 a nonprofit provider of child welfare services that has been
12 in existence for more than 115 years, is located in a county
13 with a population between 220,000 and 250,000 according to the
14 2020 federal decennial census, is licensed as a psychiatric
15 medical institution for children, and provides school-based
16 programming, to be used for support services for children with
17 autism spectrum disorder and their families.

18 Sec. 15. STATE SUPPLEMENTARY ASSISTANCE.

19 1. There is appropriated from the general fund of the
20 state to the department of human services for the fiscal year
21 beginning July 1, 2022, and ending June 30, 2023, the following
22 amount, or so much thereof as is necessary, to be used for the
23 purpose designated:

24 For the state supplementary assistance program:

25 \$ 7,349,002

26 2. The department shall increase the personal needs
27 allowance for residents of residential care facilities by the
28 same percentage and at the same time as federal supplemental
29 security income and federal social security benefits are
30 increased due to a recognized increase in the cost of living.
31 The department may adopt emergency rules to implement this
32 subsection.

33 3. If during the fiscal year beginning July 1, 2022,
34 the department projects that state supplementary assistance
35 expenditures for a calendar year will not meet the federal

1 pass-through requirement specified in Tit. XVI of the federal
 2 Social Security Act, section 1618, as codified in 42 U.S.C.
 3 §1382g, the department may take actions including but not
 4 limited to increasing the personal needs allowance for
 5 residential care facility residents and making programmatic
 6 adjustments or upward adjustments of the residential care
 7 facility or in-home health-related care reimbursement rates
 8 prescribed in this division of this Act to ensure that federal
 9 requirements are met. In addition, the department may make
 10 other programmatic and rate adjustments necessary to remain
 11 within the amount appropriated in this section while ensuring
 12 compliance with federal requirements. The department may adopt
 13 emergency rules to implement the provisions of this subsection.

14 4. Notwithstanding [section 8.33](#), moneys appropriated
 15 in this section that remain unencumbered or unobligated
 16 at the close of the fiscal year shall not revert but
 17 shall remain available for expenditure for the purposes
 18 designated, including for liability amounts associated with the
 19 supplemental nutrition assistance program payment error rate,
 20 until the close of the succeeding fiscal year.

21 Sec. 16. CHILDREN'S HEALTH INSURANCE PROGRAM.

22 1. There is appropriated from the general fund of the
 23 state to the department of human services for the fiscal year
 24 beginning July 1, 2022, and ending June 30, 2023, the following
 25 amount, or so much thereof as is necessary, to be used for the
 26 purpose designated:

27 For maintenance of the healthy and well kids in Iowa (hawk-i)
 28 program pursuant to [chapter 514I](#), including supplemental dental
 29 services, for receipt of federal financial participation under
 30 Tit. XXI of the federal Social Security Act, which creates the
 31 children's health insurance program:

32 \$ 41,713,403

33 2. Of the funds appropriated in this section, \$158,850 is
 34 allocated for continuation of the contract for outreach with
 35 the department of public health.

1 3. A portion of the funds appropriated in this section may
 2 be transferred to the appropriations made in this division of
 3 this Act for field operations or health program operations to
 4 be used for the integration of hawk-i program eligibility,
 5 payment, and administrative functions under the purview of
 6 the department of human services, including for the Medicaid
 7 management information system upgrade.

8 Sec. 17. CHILD CARE ASSISTANCE. There is appropriated
 9 from the general fund of the state to the department of human
 10 services for the fiscal year beginning July 1, 2022, and ending
 11 June 30, 2023, the following amount, or so much thereof as is
 12 necessary, to be used for the purpose designated:

13 For child care programs:

14 \$ 40,816,931

15 1. Of the funds appropriated in this section, \$34,966,931
 16 shall be used for state child care assistance in accordance
 17 with [section 237A.13](#).

18 2. Nothing in this section shall be construed or is
 19 intended as or shall imply a grant of entitlement for services
 20 to persons who are eligible for assistance due to an income
 21 level consistent with the waiting list requirements of section
 22 237A.13. Any state obligation to provide services pursuant to
 23 this section is limited to the extent of the funds appropriated
 24 in this section.

25 3. A list of the registered and licensed child care
 26 facilities operating in the area served by a child care
 27 resource and referral service shall be made available to the
 28 families receiving state child care assistance in that area.

29 4. Of the funds appropriated in this section, \$5,850,000
 30 shall be credited to the early childhood programs grants
 31 account in the early childhood Iowa fund created in section
 32 256I.11. The moneys shall be distributed for funding of
 33 community-based early childhood programs targeted to children
 34 from birth through five years of age developed by early
 35 childhood Iowa areas in accordance with approved community

1 plans as provided in [section 256I.8](#).

2 5. The department may use any of the funds appropriated
3 in this section as a match to obtain federal funds for use in
4 expanding child care assistance and related programs. For
5 the purpose of expenditures of state and federal child care
6 funding, funds shall be considered obligated at the time
7 expenditures are projected or are allocated to the department's
8 service areas. Projections shall be based on current and
9 projected caseload growth, current and projected provider
10 rates, staffing requirements for eligibility determination
11 and management of program requirements including data systems
12 management, staffing requirements for administration of the
13 program, contractual and grant obligations and any transfers
14 to other state agencies, and obligations for decategorization
15 or innovation projects.

16 6. A portion of the state match for the federal child care
17 and development block grant shall be provided as necessary to
18 meet federal matching funds requirements through the state
19 general fund appropriation made for child development grants
20 and other programs for at-risk children in [section 279.51](#).

21 7. If a uniform reduction ordered by the governor under
22 section 8.31 or other operation of law, transfer, or federal
23 funding reduction reduces the appropriation made in this
24 section for the fiscal year, the percentage reduction in the
25 amount paid out to or on behalf of the families participating
26 in the state child care assistance program shall be equal to or
27 less than the percentage reduction made for any other purpose
28 payable from the appropriation made in this section and the
29 federal funding relating to it. The percentage reduction to
30 the other allocations made in this section shall be the same as
31 the uniform reduction ordered by the governor or the percentage
32 change of the federal funding reduction, as applicable. If
33 there is an unanticipated increase in federal funding provided
34 for state child care services, the entire amount of the
35 increase, except as necessary to meet federal requirements

1 including quality set asides, shall be used for state child
 2 care assistance payments. If the appropriations made for
 3 purposes of the state child care assistance program for the
 4 fiscal year are determined to be insufficient, it is the intent
 5 of the general assembly to appropriate sufficient funding for
 6 the fiscal year in order to avoid establishment of waiting list
 7 requirements.

8 8. Notwithstanding [section 8.33](#), moneys advanced for
 9 purposes of the programs developed by early childhood Iowa
 10 areas, advanced for purposes of wraparound child care, or
 11 received from the federal appropriations made for the purposes
 12 of this section that remain unencumbered or unobligated at the
 13 close of the fiscal year shall not revert to any fund but shall
 14 remain available for expenditure for the purposes designated
 15 until the close of the succeeding fiscal year.

16 Sec. 18. JUVENILE INSTITUTION. There is appropriated
 17 from the general fund of the state to the department of human
 18 services for the fiscal year beginning July 1, 2022, and ending
 19 June 30, 2023, the following amounts, or so much thereof as is
 20 necessary, to be used for the purposes designated:

21 1. a. For operation of the state training school at Eldora
 22 and for salaries, support, maintenance, and miscellaneous
 23 purposes, and for not more than the following full-time
 24 equivalent positions:

25	\$ 17,606,871
26	FTEs 207.00

27 b. Of the funds appropriated in this subsection, \$91,000
 28 shall be used for distribution to licensed classroom teachers
 29 at this and other institutions under the control of the
 30 department of human services based upon the average student
 31 yearly enrollment at each institution as determined by the
 32 department.

33 2. A portion of the moneys appropriated in this section
 34 shall be used by the state training school at Eldora for
 35 grants for adolescent pregnancy prevention activities at the

1 institution in the fiscal year beginning July 1, 2022.

2 3. Of the funds appropriated in this subsection, \$212,000
3 shall be used by the state training school at Eldora for a
4 substance use disorder treatment program at the institution for
5 the fiscal year beginning July 1, 2022.

6 4. Notwithstanding [section 8.33](#), moneys appropriated in
7 this section that remain unencumbered or unobligated at the
8 close of the fiscal year shall not revert but shall remain
9 available for expenditure for the purposes designated until the
10 close of the succeeding fiscal year.

11 Sec. 19. CHILD AND FAMILY SERVICES.

12 1. There is appropriated from the general fund of the
13 state to the department of human services for the fiscal year
14 beginning July 1, 2022, and ending June 30, 2023, the following
15 amount, or so much thereof as is necessary, to be used for the
16 purpose designated:

17 For child and family services:

18 \$ 93,571,677

19 2. The department may transfer funds appropriated in this
20 section as necessary to pay the nonfederal costs of services
21 reimbursed under the medical assistance program, state child
22 care assistance program, or the family investment program which
23 are provided to children who would otherwise receive services
24 paid under the appropriation in this section. The department
25 may transfer funds appropriated in this section to the
26 appropriations made in this division of this Act for general
27 administration and for field operations for resources necessary
28 to implement and operate the services funded in this section.

29 3. a. (1) Of the funds appropriated in this section, up to
30 \$40,500,000 is allocated as the statewide expenditure target
31 under [section 232.143](#) for group foster care maintenance and
32 services. If the department projects that such expenditures
33 for the fiscal year will be less than the target amount
34 allocated in this paragraph "a", the department may reallocate
35 the excess to provide additional funding for family foster

1 care, supervised apartment living, family-centered services,
2 shelter care, or the child welfare emergency services addressed
3 with the allocation for shelter care.

4 (2) If 2022 Iowa Acts, House File 2507, amending section
5 232.143, is enacted, notwithstanding subparagraph (1), of
6 the funds appropriated in this section, up to \$40,500,000 is
7 allocated for group foster care maintenance and services. If
8 the department projects that such expenditures for the fiscal
9 year will be less than the target amount in this paragraph "a",
10 the department may reallocate the excess to provide additional
11 funding for family foster care, supervised apartment living,
12 family-centered services, shelter care, or the child welfare
13 emergency services addresses with the allocation for shelter
14 care.

15 b. Unless 2022 Iowa Acts, House File 2507, is enacted,
16 if at any time after September 30, 2022, annualization of a
17 service area's current expenditures indicates a service area
18 is at risk of exceeding its group foster care expenditure
19 target under [section 232.143](#) by more than 5 percent, the
20 department and juvenile court services shall examine all
21 group foster care placements in that service area in order to
22 identify those which might be appropriate for termination.
23 In addition, any aftercare services believed to be needed
24 for the children whose placements may be terminated shall be
25 identified. The department and juvenile court services shall
26 initiate action to set dispositional review hearings for the
27 placements identified. In such a dispositional review hearing,
28 the juvenile court shall determine whether needed aftercare
29 services are available and whether termination of the placement
30 is in the best interest of the child and the community. If
31 2022 Iowa Acts, House File 2507, is enacted, the applicable
32 provisions of House File 2507 shall supersede the provisions
33 of this paragraph "b".

34 4. In accordance with the provisions of [section 232.188](#),
35 the department shall continue the child welfare and juvenile

1 justice funding initiative during fiscal year 2022-2023. Of
2 the funds appropriated in this section, \$1,717,000 is allocated
3 specifically for expenditure for fiscal year 2022-2023 through
4 the decategorization services funding pools and governance
5 boards established pursuant to [section 232.188](#).

6 5. A portion of the funds appropriated in this section
7 may be used for emergency family assistance to provide other
8 resources required for a family participating in a family
9 preservation or reunification project or successor project to
10 stay together or to be reunified.

11 6. Of the funds appropriated in this section, a sufficient
12 amount is allocated for shelter care and the child welfare
13 emergency services contracting implemented to provide for or
14 prevent the need for shelter care.

15 7. Federal funds received by the state during the fiscal
16 year beginning July 1, 2022, as the result of the expenditure
17 of state funds appropriated during a previous state fiscal
18 year for a service or activity funded under this section are
19 appropriated to the department to be used as additional funding
20 for services and purposes provided for under this section.
21 Notwithstanding [section 8.33](#), moneys received in accordance
22 with this subsection that remain unencumbered or unobligated at
23 the close of the fiscal year shall not revert to any fund but
24 shall remain available for the purposes designated until the
25 close of the succeeding fiscal year.

26 8. a. Of the funds appropriated in this section, up to
27 \$3,290,000 is allocated for the payment of the expenses of
28 court-ordered services provided to juveniles who are under the
29 supervision of juvenile court services, which expenses are a
30 charge upon the state pursuant to [section 232.141](#), subsection
31 4. Of the amount allocated in this paragraph "a", up to
32 \$1,556,000 shall be made available to provide school-based
33 supervision of children adjudicated under [chapter 232](#), of which
34 not more than \$15,000 may be used for the purpose of training.
35 A portion of the cost of each school-based liaison officer

1 shall be paid by the school district or other funding source as
2 approved by the chief juvenile court officer.

3 b. Of the funds appropriated in this section, up to \$748,000
4 is allocated for the payment of the expenses of court-ordered
5 services provided to children who are under the supervision
6 of the department, which expenses are a charge upon the state
7 pursuant to [section 232.141, subsection 4](#).

8 c. Notwithstanding [section 232.141](#) or any other provision
9 of law to the contrary, the amounts allocated in this
10 subsection shall be distributed to the judicial districts
11 as determined by the state court administrator and to the
12 department's service areas as determined by the administrator
13 of the department of human services' division of child and
14 family services. The state court administrator and the
15 division administrator shall make the determination of the
16 distribution amounts on or before June 15, 2022.

17 d. Notwithstanding [chapter 232](#) or any other provision of
18 law to the contrary, a district or juvenile court shall not
19 order any service which is a charge upon the state pursuant
20 to [section 232.141](#) if there are insufficient court-ordered
21 services funds available in the district court or departmental
22 service area distribution amounts to pay for the service. The
23 chief juvenile court officer and the departmental service area
24 manager shall encourage use of the funds allocated in this
25 subsection such that there are sufficient funds to pay for
26 all court-related services during the entire year. The chief
27 juvenile court officers and departmental service area managers
28 shall attempt to anticipate potential surpluses and shortfalls
29 in the distribution amounts and shall cooperatively request the
30 state court administrator or division administrator to transfer
31 funds between the judicial districts' or departmental service
32 areas' distribution amounts as prudent.

33 e. Notwithstanding any provision of law to the contrary,
34 a district or juvenile court shall not order a county to pay
35 for any service provided to a juvenile pursuant to an order

1 entered under [chapter 232](#) which is a charge upon the state
2 under [section 232.141, subsection 4](#).

3 f. Of the funds allocated in this subsection, not more than
4 \$83,000 may be used by the judicial branch for administration
5 of the requirements under this subsection.

6 g. Of the funds allocated in this subsection, \$17,000
7 shall be used by the department of human services to support
8 the interstate commission for juveniles in accordance with
9 the interstate compact for juveniles as provided in section
10 232.173.

11 9. Of the funds appropriated in this section, \$12,253,000 is
12 allocated for juvenile delinquent graduated sanctions services.
13 Any state funds saved as a result of efforts by juvenile court
14 services to earn a federal Tit. IV-E match for juvenile court
15 services administration may be used for the juvenile delinquent
16 graduated sanctions services.

17 10. Of the funds appropriated in this section, \$1,658,000 is
18 transferred to the department of public health to be used for
19 the child protection center grant program for child protection
20 centers located in Iowa in accordance with [section 135.118](#).
21 The grant amounts under the program shall be equalized so that
22 each center receives a uniform base amount of \$245,000, and so
23 that the remaining funds are awarded through a funding formula
24 based upon the volume of children served. To increase access
25 to child protection center services for children in rural
26 areas, the funding formula for the awarding of the remaining
27 funds shall provide for the awarding of an enhanced amount to
28 eligible grantees to develop and maintain satellite centers in
29 underserved regions of the state.

30 11. Of the funds appropriated in this section, \$4,025,000 is
31 allocated for the preparation for adult living program pursuant
32 to [section 234.46](#).

33 12. Of the funds appropriated in this section, \$227,000
34 shall be used for the public purpose of continuing a grant to a
35 nonprofit human services organization, providing services to

1 individuals and families in multiple locations in southwest
2 Iowa and Nebraska for support of a project providing immediate,
3 sensitive support and forensic interviews, medical exams, needs
4 assessments, and referrals for victims of child abuse and their
5 nonoffending family members.

6 13. Of the funds appropriated in this section, \$300,000
7 is allocated for the foster care youth council approach of
8 providing a support network to children placed in foster care.

9 14. Of the funds appropriated in this section, \$202,000 is
10 allocated for use pursuant to [section 235A.1](#) for continuation
11 of the initiative to address child sexual abuse implemented
12 pursuant to 2007 Iowa Acts, chapter 218, section 18, subsection
13 21.

14 15. Of the funds appropriated in this section, \$630,000 is
15 allocated for the community partnership for child protection
16 sites.

17 16. Of the funds appropriated in this section, \$371,000
18 is allocated for the department's minority youth and family
19 projects under the redesign of the child welfare system.

20 17. Of the funds appropriated in this section, \$851,000
21 is allocated for funding of the community circle of care
22 collaboration for children and youth in northeast Iowa.

23 18. Of the funds appropriated in this section, at least
24 \$147,000 shall be used for the continuation of the child
25 welfare provider training program.

26 19. Of the funds appropriated in this section, \$211,000
27 shall be used for continuation of the central Iowa system of
28 care program grant for the purposes of funding community-based
29 services and other supports with a system of care approach for
30 children with serious emotional disturbance and their families
31 through a nonprofit provider that is located in a county with a
32 population of over 420,000 but less than 450,000 according to
33 the 2010 certified federal census, is licensed as a psychiatric
34 medical institution for children, and was a system of care
35 grantee prior to July 1, 2022.

1 20. Of the funds appropriated in this section, \$235,000
2 shall be used for the public purpose of the continuation
3 and expansion of a system of care program grant implemented
4 in Cerro Gordo and Linn counties to utilize a comprehensive
5 and long-term approach for helping children and families by
6 addressing the key areas in a child's life of childhood basic
7 needs, education and work, family, and community.

8 21. Of the funds appropriated in this section, \$110,000
9 shall be used for the public purpose of funding community-based
10 services and other supports with a system of care approach
11 for children with a serious emotional disturbance and their
12 families through a nonprofit provider of child welfare services
13 that has been in existence for more than 115 years, is located
14 in a county with a population of more than 230,000 according to
15 the 2020 certified federal census, is licensed as a psychiatric
16 medical institution for children, and was a system of care
17 grantee prior to July 1, 2022.

18 22. If a separate funding source is identified that reduces
19 the need for state funds within an allocation under this
20 section, the allocated state funds may be redistributed to
21 other allocations under this section for the same fiscal year.

22 23. Of the funds appropriated in this section, a portion may
23 be used for family-centered services for purposes of complying
24 with the federal Family First Prevention Services Act of 2018,
25 Pub. L. No. 115-123, and successor legislation.

26 24. Of the funds appropriated in this section, \$3,850,718
27 shall be used to support placements in qualified residential
28 treatment programs.

29 Sec. 20. ADOPTION SUBSIDY.

30 1. There is appropriated from the general fund of the
31 state to the department of human services for the fiscal year
32 beginning July 1, 2022, and ending June 30, 2023, the following
33 amount, or so much thereof as is necessary, to be used for the
34 purpose designated:

35 a. For adoption subsidy payments and related costs and for

1 other services provided for under paragraph "b", subparagraph
2 (2):

3 \$ 40,596,007

4 b. (1) Of the funds appropriated in this section, a
5 sufficient amount is allocated for adoption subsidy payments
6 and related costs.

7 (2) Any funds appropriated in this section remaining after
8 the allocation under subparagraph (1) are designated and
9 allocated as state savings resulting from implementation of
10 the federal Fostering Connections to Success and Increasing
11 Adoptions Act of 2008, Pub. L. No. 110-351, and successor
12 legislation, as determined in accordance with 42 U.S.C.
13 §673(a)(8), and shall be used for post-adoption services and
14 for other purposes allowed under these federal laws, Tit. IV-B
15 or Tit. IV-E of the federal Social Security Act.

16 (a) The department of human services may transfer funds
17 allocated in this subparagraph (2) to the appropriation for
18 child and family services in this division of this Act for the
19 purposes designated in this subparagraph (2).

20 (b) Notwithstanding section 8.33, moneys allocated
21 under this subparagraph (2) shall not revert to any fund but
22 shall remain available for the purposes designated in this
23 subparagraph (2) until expended.

24 2. The department may transfer funds appropriated in
25 this section to the appropriation made in this division of
26 this Act for general administration for costs paid from the
27 appropriation relating to adoption subsidy.

28 3. Federal funds received by the state during the
29 fiscal year beginning July 1, 2022, as the result of the
30 expenditure of state funds during a previous state fiscal
31 year for a service or activity funded under this section are
32 appropriated to the department to be used as additional funding
33 for the services and activities funded under this section.
34 Notwithstanding [section 8.33](#), moneys received in accordance
35 with this subsection that remain unencumbered or unobligated

1 at the close of the fiscal year shall not revert to any fund
 2 but shall remain available for expenditure for the purposes
 3 designated until the close of the succeeding fiscal year.

4 Sec. 21. JUVENILE DETENTION HOME FUND. Moneys deposited
 5 in the juvenile detention home fund created in [section 232.142](#)
 6 during the fiscal year beginning July 1, 2022, and ending June
 7 30, 2023, are appropriated to the department of human services
 8 for the fiscal year beginning July 1, 2022, and ending June 30,
 9 2023, for distribution of an amount equal to a percentage of
 10 the costs of the establishment, improvement, operation, and
 11 maintenance of county or multicounty juvenile detention homes
 12 in the fiscal year beginning July 1, 2021. Moneys appropriated
 13 for distribution in accordance with this section shall be
 14 allocated among eligible detention homes, prorated on the basis
 15 of an eligible detention home's proportion of the costs of all
 16 eligible detention homes in the fiscal year beginning July
 17 1, 2021. The percentage figure shall be determined by the
 18 department based on the amount available for distribution for
 19 the fund. Notwithstanding [section 232.142, subsection 3](#), the
 20 financial aid payable by the state under that provision for the
 21 fiscal year beginning July 1, 2022, shall be limited to the
 22 amount appropriated for the purposes of this section.

23 Sec. 22. FAMILY SUPPORT SUBSIDY PROGRAM.

24 1. There is appropriated from the general fund of the
 25 state to the department of human services for the fiscal year
 26 beginning July 1, 2022, and ending June 30, 2023, the following
 27 amount, or so much thereof as is necessary, to be used for the
 28 purpose designated:

29 For the family support subsidy program subject to the
 30 enrollment restrictions in [section 225C.37, subsection 3](#):

31 \$ 949,282

32 2. At least \$931,536 of the moneys appropriated in this
 33 section is transferred to the department of public health for
 34 the family support center component of the comprehensive family
 35 support program under [chapter 225C, subchapter V](#).

1 3. If at any time during the fiscal year, the amount of
2 funding available for the family support subsidy program
3 is reduced from the amount initially used to establish the
4 figure for the number of family members for whom a subsidy
5 is to be provided at any one time during the fiscal year,
6 notwithstanding [section 225C.38, subsection 2](#), the department
7 shall revise the figure as necessary to conform to the amount
8 of funding available.

9 Sec. 23. CONNER DECREE. There is appropriated from the
10 general fund of the state to the department of human services
11 for the fiscal year beginning July 1, 2022, and ending June 30,
12 2023, the following amount, or so much thereof as is necessary,
13 to be used for the purpose designated:

14 For building community capacity through the coordination
15 and provision of training opportunities in accordance with the
16 consent decree of Conner v. Branstad, No. 4-86-CV-30871(S.D.
17 Iowa, July 14, 1994):

18 \$ 33,632

19 Sec. 24. MENTAL HEALTH INSTITUTES.

20 1. There is appropriated from the general fund of the
21 state to the department of human services for the fiscal year
22 beginning July 1, 2022, and ending June 30, 2023, the following
23 amounts, or so much thereof as is necessary, to be used for the
24 purposes designated:

25 a. For operation of the state mental health institute at
26 Cherokee as required by [chapters 218](#) and [226](#) for salaries,
27 support, maintenance, and miscellaneous purposes, and for not
28 more than the following full-time equivalent positions:

29 \$ 15,613,624

30 FTEs 169.00

31 b. For operation of the state mental health institute at
32 Independence as required by [chapters 218](#) and [226](#) for salaries,
33 support, maintenance, and miscellaneous purposes, and for not
34 more than the following full-time equivalent positions:

35 \$ 19,688,928

1 FTEs 208.00

2 2. a. Notwithstanding [sections 218.78](#) and [249A.11](#), any

3 revenue received from the state mental health institute at

4 Cherokee or the state mental health institute at Independence

5 pursuant to [42 C.F.R §438.6\(e\)](#) may be retained and expended by

6 the mental health institute.

7 b. Notwithstanding [sections 218.78](#) and [249A.11](#), any

8 COVID-19 related funding received through federal funding

9 sources by the state mental health institute at Cherokee or the

10 state mental health institute at Independence may be retained

11 and expended by the mental health institute.

12 3. Notwithstanding any provision of law to the contrary,

13 a Medicaid member residing at the state mental health

14 institute at Cherokee or the state mental health institute

15 at Independence shall retain Medicaid eligibility during

16 the period of the Medicaid member's stay for which federal

17 financial participation is available.

18 4. Notwithstanding [section 8.33](#), moneys appropriated in

19 this section that remain unencumbered or unobligated at the

20 close of the fiscal year shall not revert but shall remain

21 available for expenditure for the purposes designated until the

22 close of the succeeding fiscal year.

23 Sec. 25. STATE RESOURCE CENTERS.

24 1. There is appropriated from the general fund of the

25 state to the department of human services for the fiscal year

26 beginning July 1, 2022, and ending June 30, 2023, the following

27 amounts, or so much thereof as is necessary, to be used for the

28 purposes designated:

29 a. For the state resource center at Glenwood for salaries,

30 support, maintenance, and miscellaneous purposes:

31 \$ 16,288,739

32 b. For the state resource center at Woodward for salaries,

33 support, maintenance, and miscellaneous purposes:

34 \$ 13,409,294

35 2. The department may continue to bill for state resource

1 center services utilizing a scope of services approach used for
2 private providers of intermediate care facilities for persons
3 with an intellectual disability services, in a manner which
4 does not shift costs between the medical assistance program,
5 mental health and disability services regions, or other sources
6 of funding for the state resource centers.

7 3. The state resource centers may expand the time-limited
8 assessment and respite services during the fiscal year.

9 4. If the department's administration and the department
10 of management concur with a finding by a state resource
11 center's superintendent that projected revenues can reasonably
12 be expected to pay the salary and support costs for a new
13 employee position, or that such costs for adding a particular
14 number of new positions for the fiscal year would be less
15 than the overtime costs if new positions would not be added,
16 the superintendent may add the new position or positions. If
17 the vacant positions available to a resource center do not
18 include the position classification desired to be filled, the
19 state resource center's superintendent may reclassify any
20 vacant position as necessary to fill the desired position. The
21 superintendents of the state resource centers may, by mutual
22 agreement, pool vacant positions and position classifications
23 during the course of the fiscal year in order to assist one
24 another in filling necessary positions.

25 5. If existing capacity limitations are reached in
26 operating units, a waiting list is in effect for a service or
27 a special need for which a payment source or other funding
28 is available for the service or to address the special need,
29 and facilities for the service or to address the special need
30 can be provided within the available payment source or other
31 funding, the superintendent of a state resource center may
32 authorize opening not more than two units or other facilities
33 and begin implementing the service or addressing the special
34 need during fiscal year 2022-2023.

35 6. Notwithstanding [section 8.33](#), and notwithstanding

1 the amount limitation specified in [section 222.92](#), moneys
 2 appropriated in this section that remain unencumbered or
 3 unobligated at the close of the fiscal year shall not revert
 4 but shall remain available for expenditure for the purposes
 5 designated until the close of the succeeding fiscal year.

6 Sec. 26. SEXUALLY VIOLENT PREDATORS.

7 1. There is appropriated from the general fund of the
 8 state to the department of human services for the fiscal year
 9 beginning July 1, 2022, and ending June 30, 2023, the following
 10 amount, or so much thereof as is necessary, to be used for the
 11 purpose designated:

12 For costs associated with the commitment and treatment of
 13 sexually violent predators in the unit located at the state
 14 mental health institute at Cherokee, including costs of legal
 15 services and other associated costs, including salaries,
 16 support, maintenance, and miscellaneous purposes, and for not
 17 more than the following full-time equivalent positions:

18	\$ 13,891,276
19	FTEs 140.00

20 2. Unless specifically prohibited by law, if the amount
 21 charged provides for recoupment of at least the entire amount
 22 of direct and indirect costs, the department of human services
 23 may contract with other states to provide care and treatment
 24 of persons placed by the other states at the unit for sexually
 25 violent predators at Cherokee. The moneys received under
 26 such a contract shall be considered to be repayment receipts
 27 and used for the purposes of the appropriation made in this
 28 section.

29 3. Notwithstanding [section 8.33](#), moneys appropriated in
 30 this section that remain unencumbered or unobligated at the
 31 close of the fiscal year shall not revert but shall remain
 32 available for expenditure for the purposes designated until the
 33 close of the succeeding fiscal year.

34 Sec. 27. FIELD OPERATIONS.

35 1. There is appropriated from the general fund of the

1 state to the department of human services for the fiscal year
2 beginning July 1, 2022, and ending June 30, 2023, the following
3 amount, or so much thereof as is necessary, to be used for the
4 purposes designated:

5 For field operations, including salaries, support,
6 maintenance, and miscellaneous purposes, and for not more than
7 the following full-time equivalent positions:

8 \$ 65,894,438
9 FTEs 1,589.00

10 2. Priority in filling full-time equivalent positions
11 shall be given to those positions related to child protection
12 services and eligibility determination for low-income families.

13 Sec. 28. GENERAL ADMINISTRATION. There is appropriated
14 from the general fund of the state to the department of human
15 services for the fiscal year beginning July 1, 2022, and ending
16 June 30, 2023, the following amount, or so much thereof as is
17 necessary, to be used for the purpose designated:

18 For general administration, including salaries, support,
19 maintenance, and miscellaneous purposes, and for not more than
20 the following full-time equivalent positions:

21 \$ 15,342,189
22 FTEs 294.00

23 1. The department shall report at least monthly to the
24 general assembly concerning the department's operational and
25 program expenditures.

26 2. Of the funds appropriated in this section, \$150,000 shall
27 be used for the provision of a program to provide technical
28 assistance, support, and consultation to providers of home and
29 community-based services under the medical assistance program.

30 3. Of the funds appropriated in this section, \$50,000
31 is transferred to the Iowa finance authority to be used
32 for administrative support of the council on homelessness
33 established in [section 16.2D](#) and for the council to fulfill its
34 duties in addressing and reducing homelessness in the state.

35 4. Of the funds appropriated in this section, \$200,000 shall

1 be transferred to and deposited in the administrative fund of
2 the Iowa ABLE savings plan trust created in [section 12I.4](#), to
3 be used for implementation and administration activities of the
4 Iowa ABLE savings plan trust.

5 5. Of the funds appropriated in this section, \$200,000 is
6 transferred to the economic development authority for the Iowa
7 commission on volunteer services to continue to be used for the
8 RefugeeRISE AmeriCorps program established under [section 15H.8](#)
9 for member recruitment and training to improve the economic
10 well-being and health of economically disadvantaged refugees in
11 local communities across Iowa. Funds transferred may be used
12 to supplement federal funds under federal regulations.

13 6. Of the funds appropriated in this section, up to \$300,000
14 shall be used as follows:

15 a. To fund not more than 1.00 full-time equivalent position
16 to address the department's responsibility to support the work
17 of the children's behavioral health system state board and
18 implementation of the services required pursuant to section
19 331.397.

20 b. To support the cost of establishing and implementing new
21 or additional services required pursuant to sections 331.397
22 and 331.397A.

23 c. Of the amount allocated, \$32,000 shall be transferred
24 to the department of public health to support the costs of
25 establishing and implementing new or additional services
26 required pursuant to sections 331.397 and 331.397A.

27 7. Of the funds appropriated in this section, \$800,000 shall
28 be used for the renovation and construction of certain nursing
29 facilities, consistent with the provisions of chapter 249K.

30 Sec. 29. DEPARTMENT-WIDE DUTIES. There is appropriated
31 from the general fund of the state to the department of human
32 services for the fiscal year beginning July 1, 2022, and ending
33 June 30, 2023, the following amount, or so much thereof as is
34 necessary, to be used for the purposes designated:

35 For salaries, support, maintenance, and miscellaneous

1 purposes at facilities under the purview of the department of
2 human services:

3 \$ 4,172,123

4 Sec. 30. VOLUNTEERS. There is appropriated from the general
5 fund of the state to the department of human services for the
6 fiscal year beginning July 1, 2022, and ending June 30, 2023,
7 the following amount, or so much thereof as is necessary, to be
8 used for the purpose designated:

9 For development and coordination of volunteer services:

10 \$ 84,686

11 Sec. 31. MEDICAL ASSISTANCE, STATE SUPPLEMENTARY
12 ASSISTANCE, AND SOCIAL SERVICE PROVIDERS REIMBURSED UNDER THE
13 DEPARTMENT OF HUMAN SERVICES.

14 1. a. (1) (a) Notwithstanding any provision of law to the
15 contrary, for the fiscal year beginning July 1, 2022, case-mix
16 nursing facilities shall be reimbursed in accordance with the
17 methodology in effect on June 30, 2022.

18 (b) For the fiscal year beginning July 1, 2022, non-case-mix
19 and special population nursing facilities shall be reimbursed
20 in accordance with the methodology in effect on June 30, 2022.

21 (c) For managed care claims, the department of human
22 services shall adjust the payment rate floor for nursing
23 facilities, annually, to maintain a rate floor that is no
24 lower than the Medicaid fee-for-service case-mix adjusted rate
25 calculated in accordance with subparagraph division (a) and
26 441 IAC 81.6. The department shall then calculate adjusted
27 reimbursement rates, including but not limited to add-on
28 payments, annually, and shall notify Medicaid managed care
29 organizations of the adjusted reimbursement rates within 30
30 days of determining the adjusted reimbursement rates. Any
31 adjustment of reimbursement rates under this subparagraph
32 division shall be budget neutral to the state budget.

33 (d) For the fiscal year beginning July 1, 2022, Medicaid
34 managed care long-term services and supports capitation rates
35 shall be adjusted to reflect the case-mix adjusted rates

1 specified pursuant to subparagraph division (a) for the patient
2 populations residing in Medicaid-certified nursing facilities.

3 (2) Medicaid managed care organizations shall adjust
4 facility-specific rates based upon payment rate listings issued
5 by the department. The rate adjustments shall be applied
6 prospectively from the effective date of the rate letter issued
7 by the department.

8 b. (1) For the fiscal year beginning July 1, 2022, the
9 department shall establish the fee-for-service pharmacy
10 dispensing fee reimbursement at \$10.38 per prescription,
11 until a cost of dispensing survey is completed. The actual
12 dispensing fee shall be determined by a cost of dispensing
13 survey performed by the department and required to be completed
14 by all medical assistance program participating pharmacies
15 every two years, adjusted as necessary to maintain expenditures
16 within the amount appropriated to the department for this
17 purpose for the fiscal year. A change in the dispensing
18 fee shall become effective following federal approval of the
19 Medicaid state plan.

20 (2) The department shall utilize an average acquisition
21 cost reimbursement methodology for all drugs covered under the
22 medical assistance program in accordance with 2012 Iowa Acts,
23 chapter 1133, section 33.

24 c. (1) For the fiscal year beginning July 1, 2022,
25 reimbursement rates for outpatient hospital services shall
26 remain at the rates in effect on June 30, 2022, subject to
27 Medicaid program upper payment limit rules, and adjusted
28 as necessary to maintain expenditures within the amount
29 appropriated to the department for this purpose for the fiscal
30 year.

31 (2) For the fiscal year beginning July 1, 2022,
32 reimbursement rates for inpatient hospital services shall
33 remain at the rates in effect on June 30, 2022, subject to
34 Medicaid program upper payment limit rules, and adjusted
35 as necessary to maintain expenditures within the amount

1 appropriated to the department for this purpose for the fiscal
2 year.

3 (3) For the fiscal year beginning July 1, 2022, under
4 both fee-for-service and managed care administration of
5 the Medicaid program, critical access hospitals shall be
6 reimbursed for inpatient and outpatient services based on the
7 hospital-specific critical access hospital cost adjustment
8 factor methodology utilizing the most recent and complete cost
9 reporting period as applied prospectively within the funds
10 appropriated for such purpose for the fiscal year.

11 (4) For the fiscal year beginning July 1, 2022, the graduate
12 medical education and disproportionate share hospital fund
13 shall remain at the amount in effect on June 30, 2022, except
14 that the portion of the fund attributable to graduate medical
15 education shall be reduced in an amount that reflects the
16 elimination of graduate medical education payments made to
17 out-of-state hospitals.

18 (5) In order to ensure the efficient use of limited state
19 funds in procuring health care services for low-income Iowans,
20 funds appropriated in this Act for hospital services shall
21 not be used for activities which would be excluded from a
22 determination of reasonable costs under the federal Medicare
23 program pursuant to 42 U.S.C. §1395x(v)(1)(N).

24 d. For the fiscal year beginning July 1, 2022, reimbursement
25 rates for hospices and acute psychiatric hospitals shall be
26 increased in accordance with increases under the federal
27 Medicare program or as supported by their Medicare audited
28 costs.

29 e. For the fiscal year beginning July 1, 2022, independent
30 laboratories and rehabilitation agencies shall be reimbursed
31 using the same methodology in effect on June 30, 2022.

32 f. (1) For the fiscal year beginning July 1, 2022,
33 reimbursement rates for home health agencies shall continue to
34 be based on the Medicare low utilization payment adjustment
35 (LUPA) methodology with state geographic wage adjustments. The

1 department shall continue to update the rates every two years
2 to reflect the most recent Medicare LUPA rates.

3 (2) For the fiscal year beginning July 1, 2022, the
4 department shall create a reimbursement rate structure that
5 provides incentives to home health care providers located in
6 rural areas and providing home health care to Medicaid members,
7 within the \$4,000,000 appropriated for this purpose. The rate
8 structure shall include a telehealth component to incentivize
9 the provision of necessary supervision for skilled care without
10 requiring travel time. For the purposes of this subparagraph
11 (2), "*rural area*" means an area that is not an Iowa core based
12 statistical area as defined by the federal office of management
13 and budget.

14 (3) For the fiscal year beginning July 1, 2022, rates for
15 private duty nursing and personal care services under the early
16 and periodic screening, diagnostic, and treatment program
17 benefit shall be calculated based on the methodology in effect
18 on June 30, 2022.

19 g. For the fiscal year beginning July 1, 2022, federally
20 qualified health centers and rural health clinics shall receive
21 cost-based reimbursement for 100 percent of the reasonable
22 costs for the provision of services to recipients of medical
23 assistance.

24 h. For the fiscal year beginning July 1, 2022, the
25 reimbursement rates for dental services shall remain at the
26 rates in effect on June 30, 2022.

27 i. (1) For the fiscal year beginning July 1, 2022,
28 reimbursement rates for non-state-owned psychiatric medical
29 institutions for children shall be based on the reimbursement
30 methodology in effect on June 30, 2022.

31 (2) As a condition of participation in the medical
32 assistance program, enrolled providers shall accept the medical
33 assistance reimbursement rate for any covered goods or services
34 provided to recipients of medical assistance who are children
35 under the custody of a psychiatric medical institution for

1 children.

2 j. For the fiscal year beginning July 1, 2022, unless
3 otherwise specified in this Act, all noninstitutional medical
4 assistance provider reimbursement rates shall remain at the
5 rates in effect on June 30, 2022, except for area education
6 agencies, local education agencies, infant and toddler
7 services providers, home and community-based services providers
8 including consumer-directed attendant care providers under a
9 section 1915(c) or 1915(i) waiver, targeted case management
10 providers, and those providers whose rates are required to be
11 determined pursuant to [section 249A.20](#), or to meet federal
12 mental health parity requirements.

13 k. Notwithstanding any provision to the contrary, for the
14 fiscal year beginning July 1, 2022, the reimbursement rate for
15 anesthesiologists shall remain at the rates in effect on June
16 30, 2022, and updated on January 1, 2023, to align with the
17 most current Iowa Medicare anesthesia rate.

18 l. Notwithstanding [section 249A.20](#), for the fiscal year
19 beginning July 1, 2022, the average reimbursement rate for
20 health care providers eligible for use of the federal Medicare
21 resource-based relative value scale reimbursement methodology
22 under [section 249A.20](#) shall remain at the rate in effect on
23 June 30, 2022; however, this rate shall not exceed the maximum
24 level authorized by the federal government.

25 m. For the fiscal year beginning July 1, 2022, the
26 reimbursement rate for residential care facilities shall not
27 be less than the minimum payment level as established by the
28 federal government to meet the federally mandated maintenance
29 of effort requirement. The flat reimbursement rate for
30 facilities electing not to file annual cost reports shall not
31 be less than the minimum payment level as established by the
32 federal government to meet the federally mandated maintenance
33 of effort requirement.

34 n. For the fiscal year beginning July 1, 2022, the
35 reimbursement rates for inpatient mental health services

1 provided at hospitals shall remain at the rates in effect on
2 June 30, 2022, subject to Medicaid program upper payment limit
3 rules and adjusted as necessary to maintain expenditures within
4 the amount appropriated to the department for this purpose for
5 the fiscal year; and psychiatrists shall be reimbursed at the
6 medical assistance program fee-for-service rate in effect on
7 June 30, 2022.

8 o. For the fiscal year beginning July 1, 2022, community
9 mental health centers may choose to be reimbursed for the
10 services provided to recipients of medical assistance through
11 either of the following options:

12 (1) For 100 percent of the reasonable costs of the services.

13 (2) In accordance with the alternative reimbursement rate
14 methodology approved by the department of human services in
15 effect on June 30, 2022.

16 p. For the fiscal year beginning July 1, 2022, the
17 reimbursement rate for providers of family planning services
18 that are eligible to receive a 90 percent federal match shall
19 remain at the rates in effect on June 30, 2022.

20 q. (1) For the fiscal year beginning July 1, 2022,
21 reimbursement rates for providers of home and community-based
22 services waiver and habilitation services shall be increased
23 to the extent possible within the \$14,600,000 appropriated for
24 this purpose. The entire rate increase shall be used for wages
25 and associated costs specific to wages, benefits, and required
26 withholding of direct support professionals and frontline
27 management, including consumer choices option employees.

28 (2) For the fiscal year beginning July 1, 2022,
29 reimbursement rates for intermediate care facility for
30 persons with an intellectual disability providers shall be
31 increased over the rates in effect on June 30, 2022, within
32 the \$3,125,778 appropriated for this purpose. The entire rate
33 increase shall be used for wages and associated costs specific
34 to wages, benefits, and required withholding of direct support
35 professionals and frontline management.

1 (3) For the fiscal year beginning July 1, 2022,
2 reimbursement rates for providers of state plan home and
3 community-based services home-based habilitation services
4 shall remain at the rates in effect on June 30, 2022. The
5 reimbursement rates for home-based habilitation services shall
6 be based on a fee schedule that incorporates the acuity-based
7 tiers.

8 r. For the fiscal year beginning July 1, 2022, the
9 reimbursement rates for emergency medical service providers
10 shall remain at the rates in effect on June 30, 2022, or as
11 approved by the centers for Medicare and Medicaid services of
12 the United States department of health and human services.

13 s. (1) For the fiscal year beginning July 1, 2022,
14 reimbursement rates for substance-related disorder treatment
15 programs licensed under [section 125.13](#) shall remain at the
16 rates in effect on June 30, 2022.

17 (2) For the fiscal year beginning July 1, 2022, the
18 department shall establish a fee schedule or provider-specific
19 rate structure to increase reimbursement rates for residential
20 substance use treatment providers within the \$1,100,000
21 appropriated for this purpose.

22 t. For the fiscal year beginning July 1, 2022, assertive
23 community treatment per diem rates shall remain at the rates in
24 effect on June 30, 2022.

25 u. For the fiscal year beginning July 1, 2022, the
26 reimbursement rate for family-centered services providers shall
27 be established by contract.

28 v. For the fiscal year beginning July 1, 2022, the
29 reimbursement rate for air ambulance services shall remain at
30 the rate in effect on June 30, 2022.

31 w. For the fiscal year beginning July 1, 2022, all
32 behavioral health intervention services reimbursement rates
33 shall be increased over the rates in effect on June 30, 2022,
34 within the \$3,000,000 appropriated for this purpose. The
35 entire rate increase shall be used for wages and associated

1 costs specific to wages, benefits, and required withholding of
2 direct support professionals and frontline management.

3 x. For the fiscal year beginning July 1, 2022, all applied
4 behavioral analysis services reimbursement rates shall be
5 increased over the rates in effect on June 30, 2022, within the
6 \$385,000 appropriated for this purpose.

7 2. For the fiscal year beginning July 1, 2022, the
8 reimbursement rate for providers reimbursed under the
9 in-home-related care program shall not be less than the minimum
10 payment level as established by the federal government to meet
11 the federally mandated maintenance of effort requirement.

12 3. Unless otherwise directed in this section, when the
13 department's reimbursement methodology for any provider
14 reimbursed in accordance with this section includes an
15 inflation factor, this factor shall not exceed the amount
16 by which the consumer price index for all urban consumers
17 increased during the most recently ended calendar year.

18 4. Notwithstanding [section 234.38](#), for the fiscal
19 year beginning July 1, 2022, the foster family basic daily
20 maintenance rate and the maximum adoption subsidy rate for
21 children ages 0 through 5 years shall be \$16.78, the rate for
22 children ages 6 through 11 years shall be \$17.45, the rate for
23 children ages 12 through 15 years shall be \$19.10, and the
24 rate for children and young adults ages 16 and older shall
25 be \$19.35. For youth ages 18 to 23 who have exited foster
26 care, the preparation for adult living program maintenance
27 rate shall be up to \$602.70 per month as calculated based on
28 the age of the participant. The maximum payment for adoption
29 subsidy nonrecurring expenses shall be limited to \$500 and the
30 disallowance of additional amounts for court costs and other
31 related legal expenses implemented pursuant to 2010 Iowa Acts,
32 chapter 1031, section 408, shall be continued.

33 5. For the fiscal year beginning July 1, 2022, the maximum
34 reimbursement rates for social services providers under
35 contract shall remain at the rates in effect on June 30, 2022,

1 or the provider's actual and allowable cost plus inflation for
2 each service, whichever is less. However, if a new service
3 or service provider is added after June 30, 2022, the initial
4 reimbursement rate for the service or provider shall be based
5 upon a weighted average of provider rates for similar services.

6 6. a. For the fiscal year beginning July 1, 2022, the
7 reimbursement rates for resource family recruitment and
8 retention contractors shall be established by contract.

9 b. For the fiscal year beginning July 1, 2022, the
10 reimbursement rates for supervised apartment living foster care
11 providers shall be established by contract.

12 7. For the fiscal year beginning July 1, 2022, the
13 reimbursement rate for group foster care providers shall be the
14 combined service and maintenance reimbursement rate established
15 by contract.

16 8. The group foster care reimbursement rates paid for
17 placement of children out of state shall be calculated
18 according to the same rate-setting principles as those used for
19 in-state providers, unless the director of human services or
20 the director's designee determines that appropriate care cannot
21 be provided within the state. The payment of the daily rate
22 shall be based on the number of days in the calendar month in
23 which service is provided.

24 9. a. For the fiscal year beginning July 1, 2022, the
25 reimbursement rate paid for shelter care and the child welfare
26 emergency services implemented to provide or prevent the need
27 for shelter care shall be established by contract.

28 b. For the fiscal year beginning July 1, 2022, the combined
29 service and maintenance components of the per day reimbursement
30 rate paid for shelter care services shall be based on the
31 financial and statistical report submitted to the department.
32 The maximum per day reimbursement rate shall be the maximum
33 per day reimbursement rate in effect on June 30, 2022, as
34 increased within the \$649,029 appropriated for this purpose.
35 The department shall reimburse a shelter care provider at the

1 provider's actual and allowable unit cost, plus inflation, not
2 to exceed the maximum reimbursement rate.

3 c. Unless 2022 Iowa Acts, House File 2507, is enacted,
4 notwithstanding [section 232.141, subsection 8](#), for the fiscal
5 year beginning July 1, 2022, the amount of the statewide
6 average of the actual and allowable rates for reimbursement of
7 juvenile shelter care homes that is utilized for the limitation
8 on recovery of unpaid costs shall remain at the amount in
9 effect for this purpose in the fiscal year beginning July 1,
10 2021. If 2022 Iowa Acts, House File 2507, is enacted, the
11 applicable provisions of House File 2507 shall supersede the
12 provisions of this paragraph "c".

13 10. For the fiscal year beginning July 1, 2022, the
14 department shall calculate reimbursement rates for intermediate
15 care facilities for persons with an intellectual disability
16 at the 80th percentile. Beginning July 1, 2022, the rate
17 calculation methodology shall utilize the consumer price index
18 inflation factor applicable to the fiscal year beginning July
19 1, 2022.

20 11. Effective July 1, 2022, child care provider
21 reimbursement rates shall remain at the rates in effect on June
22 30, 2022. The department shall set rates in a manner so as
23 to provide incentives for a nonregistered provider to become
24 registered by applying any increase only to registered and
25 licensed providers.

26 12. The department may adopt emergency rules to implement
27 this section.

28 Sec. 32. EMERGENCY RULES.

29 1. If necessary to comply with federal requirements
30 including time frames, or if specifically authorized by a
31 provision of this division of this Act, the department of
32 human services or the mental health and disability services
33 commission may adopt administrative rules under section 17A.4,
34 subsection 3, and section 17A.5, subsection 2, paragraph "b",
35 to implement the provisions of this division of this Act and

1 the rules shall become effective immediately upon filing or
2 on a later effective date specified in the rules, unless the
3 effective date of the rules is delayed or the applicability
4 of the rules is suspended by the administrative rules review
5 committee. Any rules adopted in accordance with this section
6 shall not take effect before the rules are reviewed by the
7 administrative rules review committee. The delay authority
8 provided to the administrative rules review committee under
9 section 17A.4, subsection 7, and section 17A.8, subsections
10 9 and 10, shall be applicable to a delay imposed under this
11 section, notwithstanding a provision in those subsections
12 making them inapplicable to section 17A.5, subsection 2,
13 paragraph "b". Any rules adopted in accordance with the
14 provisions of this section shall also be published as a notice
15 of intended action as provided in section 17A.4.

16 2. If during a fiscal year, the department of human
17 services is adopting rules in accordance with this section
18 or as otherwise directed or authorized by state law, and
19 the rules will result in an expenditure increase beyond the
20 amount anticipated in the budget process or if the expenditure
21 was not addressed in the budget process for the fiscal
22 year, the department shall notify the general assembly and
23 the department of management concerning the rules and the
24 expenditure increase. The notification shall be provided at
25 least 30 calendar days prior to the date notice of the rules
26 is submitted to the administrative rules coordinator and the
27 administrative code editor.

28 Sec. 33. REPORTS. Unless otherwise provided, any reports or
29 other information required to be compiled and submitted under
30 this Act during the fiscal year beginning July 1, 2022, shall
31 be submitted on or before the dates specified for submission
32 of the reports or information.

33 Sec. 34. EFFECTIVE UPON ENACTMENT. Unless 2022 Iowa Acts,
34 House File 2507, is enacted, the following provision of this
35 division of this Act, being deemed of immediate importance,

1 takes effect upon enactment:

2 The provision relating to [section 232.141](#) and directing the
3 state court administrator and the division administrator of
4 the department of human services division of child and family
5 services to make the determination, by June 15, 2022, of the
6 distribution of funds allocated for the payment of the expenses
7 of court-ordered services provided to juveniles which are a
8 charge upon the state.

9

DIVISION VI

10 HEALTH CARE ACCOUNTS AND FUNDS — FY 2022-2023

11 Sec. 35. PHARMACEUTICAL SETTLEMENT ACCOUNT. There is
12 appropriated from the pharmaceutical settlement account created
13 in [section 249A.33](#) to the department of human services for the
14 fiscal year beginning July 1, 2022, and ending June 30, 2023,
15 the following amount, or so much thereof as is necessary, to be
16 used for the purpose designated:

17 Notwithstanding any provision of law to the contrary, to
18 supplement the appropriations made in this Act for health
19 program operations under the medical assistance program for the
20 fiscal year beginning July 1, 2022, and ending June 30, 2023:
21 \$ 234,193

22 Sec. 36. QUALITY ASSURANCE TRUST FUND — DEPARTMENT OF HUMAN
23 SERVICES. Notwithstanding any provision to the contrary and
24 subject to the availability of funds, there is appropriated
25 from the quality assurance trust fund created in section
26 249L.4 to the department of human services for the fiscal year
27 beginning July 1, 2022, and ending June 30, 2023, the following
28 amounts, or so much thereof as is necessary, for the purposes
29 designated:

30 To supplement the appropriation made in this Act from the
31 general fund of the state to the department of human services
32 for medical assistance for the same fiscal year:
33 \$ 56,305,139

34 Sec. 37. HOSPITAL HEALTH CARE ACCESS TRUST FUND —
35 DEPARTMENT OF HUMAN SERVICES. Notwithstanding any provision to

1 the contrary and subject to the availability of funds, there is
 2 appropriated from the hospital health care access trust fund
 3 created in [section 249M.4](#) to the department of human services
 4 for the fiscal year beginning July 1, 2022, and ending June
 5 30, 2023, the following amounts, or so much thereof as is
 6 necessary, for the purposes designated:

7 To supplement the appropriation made in this Act from the
 8 general fund of the state to the department of human services
 9 for medical assistance for the same fiscal year:

10 \$ 33,920,554

11 Sec. 38. MEDICAL ASSISTANCE PROGRAM — NONREVERSION
 12 FOR FY 2022-2023. Notwithstanding [section 8.33](#), if moneys
 13 appropriated for purposes of the medical assistance program for
 14 the fiscal year beginning July 1, 2022, and ending June 30,
 15 2023, from the general fund of the state, the quality assurance
 16 trust fund, and the hospital health care access trust fund, are
 17 in excess of actual expenditures for the medical assistance
 18 program and remain unencumbered or unobligated at the close
 19 of the fiscal year, the excess moneys shall not revert but
 20 shall remain available for expenditure for the purposes of the
 21 medical assistance program until the close of the succeeding
 22 fiscal year.

23 DIVISION VII

24 DECATEGORYIZATION CARRYOVER FUNDING

25 Sec. 39. DECATEGORYIZATION CARRYOVER FUNDING FY 2020 —
 26 TRANSFER TO MEDICAID PROGRAM. Notwithstanding [section 232.188](#),
 27 subsection 5, paragraph “b”, any state-appropriated moneys in
 28 the funding pool that remained unencumbered or unobligated
 29 at the close of the fiscal year beginning July 1, 2019, and
 30 were deemed carryover funding to remain available for the two
 31 succeeding fiscal years that still remain unencumbered or
 32 unobligated at the close of the fiscal year beginning July 1,
 33 2021, shall not revert but shall be transferred to the medical
 34 assistance program for the fiscal year beginning July 1, 2022.

35 Sec. 40. EFFECTIVE DATE. This division of this Act, being

1 deemed of immediate importance, takes effect upon enactment.

2 Sec. 41. RETROACTIVE APPLICABILITY. This division of this
3 Act applies retroactively to July 1, 2021.

4 DIVISION VIII

5 TRANSFER OF PROPERTY TAX RELIEF FUND BALANCE

6 Sec. 42. TRANSFER OF PROPERTY TAX RELIEF FUND BALANCE —
7 FY 2021-2022. Notwithstanding any provision to the contrary,
8 any funds remaining in the property tax relief fund created
9 in section 426B.1 at the close of the fiscal year beginning
10 July 1, 2021, shall be transferred to the region incentive fund
11 created in the mental health and disability services regional
12 service fund pursuant to section 225C.7A.

13 Sec. 43. EFFECTIVE DATE. This division of this Act, being
14 deemed of immediate importance, takes effect upon enactment.

15 DIVISION IX

16 PRIOR APPROPRIATIONS AND OTHER PROVISIONS

17 FAMILY INVESTMENT PROGRAM GENERAL FUND

18 Sec. 44. 2021 Iowa Acts, chapter 182, section 9, is amended
19 by adding the following new subsection:

20 NEW SUBSECTION. 7. Notwithstanding section 8.33, moneys
21 appropriated in this section that remain unencumbered or
22 unobligated at the close of the fiscal year shall not revert
23 but shall remain available for one-time purposes, and may be
24 transferred to the appropriation in this division of this Act
25 for general administration for technology purposes, until the
26 close of the succeeding fiscal year.

27 CHILD AND FAMILY SERVICES

28 Sec. 45. 2021 Iowa Acts, chapter 182, section 19, is amended
29 by adding the following new subsection:

30 NEW SUBSECTION. 24. Notwithstanding section 8.33, moneys
31 appropriated in this section that remain unencumbered or
32 unobligated at the close of the fiscal year shall not revert
33 but shall remain available for the purposes designated until
34 the close of the succeeding fiscal year.

35 FIELD OPERATIONS

1 Sec. 46. 2021 Iowa Acts, chapter 182, section 27, is amended
2 by adding the following new subsection:

3 NEW SUBSECTION. 3. Notwithstanding section 8.33, moneys
4 appropriated in this section that remain unencumbered or
5 unobligated at the close of the fiscal year shall not revert
6 but shall remain available for one-time expenditure purposes
7 until the close of the succeeding fiscal year.

8 GENERAL ADMINISTRATION

9 Sec. 47. 2021 Iowa Acts, chapter 182, section 28, is amended
10 by adding the following new subsection:

11 NEW SUBSECTION. 8. Notwithstanding section 8.33, moneys
12 appropriated in this section that remain unencumbered or
13 unobligated at the close of the fiscal year shall not revert
14 but shall remain available for one-time expenditure purposes
15 until the close of the succeeding fiscal year.

16 Sec. 48. EFFECTIVE DATE. This division of this Act, being
17 deemed of immediate importance, takes effect upon enactment.

18 DIVISION X

19 PUBLIC HEALTH EMERGENCY PROVISIONS COVID-19 REGULATIONS

20 Sec. 49. COVID-19 FEDERAL REGULATIONS. For the time
21 period beginning on the effective date of this division of
22 this Act, and ending June 30, 2023, notwithstanding state
23 administrative rules to the contrary, to the extent federal
24 regulations relating to the COVID-19 pandemic differ from state
25 administrative rules, including applicable federal waivers,
26 the federal regulations are controlling during the pendency of
27 the federally declared state of emergency and for such period
28 of time following the end of the federally declared state of
29 emergency applicable to the respective federal regulations.

30 DIVISION XI

31 HEALTH AND HUMAN SERVICES REALIGNMENT

32 Sec. 50. TRANSITION OF DEPARTMENT OF HUMAN SERVICES AND
33 DEPARTMENT OF PUBLIC HEALTH INTO DEPARTMENT OF HEALTH AND HUMAN
34 SERVICES.

35 1. Definitions. For the purposes of this section:

1 a. "Department of health and human services" or
2 "department" means the department of health and human services
3 created under this section.

4 b. "Transition department" means the department of human
5 services or the department of public health.

6 c. "Transition departments" means the department of human
7 services and the department of public health.

8 d. "Transition period" means the period beginning July 1,
9 2022, and ending June 30, 2023.

10 2. Creation of department of health and human services
11 — transition period — powers and duties. Notwithstanding
12 any conflicting provision of law to the contrary, there is
13 created a department of health and human services. During
14 the transition period, the department of health and human
15 services shall have and may exercise all of the policymaking
16 functions, regulatory and enforcement powers, rights, duties,
17 and responsibilities of the department of human services and
18 the department of public health as prescribed by law or rule
19 in effect on July 1, 2022, including but not limited to those
20 relating to:

21 a. All obligations and contracts of a transition
22 department, including obligations and contracts related to a
23 grant program.

24 b. All property and records in the custody of a transition
25 department.

26 c. All funds appropriated to a transition department by the
27 general assembly and all state, federal, and other funds for
28 which expenditure by a transition department is authorized.

29 d. Complaints, investigations, contested cases, causes of
30 action, and statutes of limitations involving a transition
31 department.

32 (1) All complaints, investigations, contested cases, or
33 a remand of an action by a reviewing court pending before a
34 transition department or an authorized person of a transition
35 department shall continue without change in status before

1 the department and shall be governed by the laws and rules
2 applicable to the complaint, investigation, contested case, or
3 remand action or proceeding in effect on July 1, 2022.

4 (2) Any cause of action or statute of limitation relating
5 to a transition department shall not be affected as a result
6 of the transition and such cause of action or statute of
7 limitation shall apply to the department.

8 e. Rules, policies, and forms. All rules, policies, and
9 forms adopted by or on behalf of a transition department shall
10 become rules, policies, and forms of the department and shall
11 remain in effect unless altered by the department.

12 f. Licenses, permits, and certifications. All licenses,
13 permits, and certifications issued by a transition department
14 shall continue in effect as a license, permit, or certification
15 of the department in accordance with the law or rule governing
16 the license, permit, or certification in effect on July 1,
17 2022, until the license, permit, or certification expires, is
18 suspended or revoked, or otherwise becomes invalid by the terms
19 of such law or rule.

20 g. References to a department or director. All references
21 to the department of public health or the department of human
22 services in law or in rule shall be interpreted to mean the
23 department of health and human services, and all references to
24 the director of public health or the director of human services
25 shall be interpreted to mean the director of the department of
26 health and human services.

27 h. Departmental structure.

28 (1) Any transition department, transition department
29 subunit, or transition department body created or established
30 by law and in existence on July 1, 2022, shall continue in
31 full force and effect and shall not be permanently abolished,
32 merged, or otherwise altered until amended, repealed, or
33 supplemented by action of the general assembly.

34 (2) This paragraph shall not prohibit a transition
35 department, transition department subunit, or transition

1 department body created or established by law in existence on
2 July 1, 2022, from sharing or coordinating responsibilities
3 or functions under their respective purviews nor prohibit
4 the director from temporarily integrating such departments,
5 subunits, or bodies or the responsibilities or functions under
6 their respective purviews in furtherance of the transition plan
7 during the transition period.

8 3. Transition period leadership. During the transition
9 period, the director of human services shall continue to act
10 as the director of human services, shall assume the duties of
11 the director of public health, shall act as the director of
12 the department of health and human services, and may thereby
13 exercise any policymaking functions, regulatory and enforcement
14 powers, rights, duties, and responsibilities of the director
15 of human services and the director of public health including
16 those duties prescribed by law for the department of human
17 services or the department of public health in effect on July
18 1, 2022.

19 4. Federal authorization and effective date of
20 authorizations. If a transition department or the department
21 determines that a waiver or authorization from the federal
22 government is necessary to administer any provision of
23 this section, the department shall request the waiver or
24 authorization, and notwithstanding any other effective date to
25 the contrary, the provision shall take effect only upon receipt
26 of federal approval.

27 5. Initial written transition plan.

28 a. On or before September 30, 2022, the transition
29 departments or department shall publish on their respective
30 internet sites an initial written transition plan for merging
31 the functions of the transition departments into the department
32 of health and human services effective July 1, 2023, in order
33 to do all of the following:

34 (1) More efficiently and effectively manage health and
35 human services programs that are the responsibility of the

1 state.

2 (2) Establish a health and human services policy for the
3 state.

4 (3) Promote health and the quality of life in the health and
5 human services field.

6 b. The transition plan shall describe, at a minimum, all of
7 the following:

8 (1) The tasks that require completion before July 1, 2023,
9 including a description of how the transition departments shall
10 solicit comment from stakeholders, including employees of the
11 transition departments, clients and partners of the transition
12 departments, members of the public, and members of the general
13 assembly.

14 (2) The proposed organizational structure of the
15 department, at a minimum, including the division level of
16 the table of organization. Any personnel in the state merit
17 system of employment who are mandatorily transferred due to the
18 transition shall be so transferred without any loss in salary,
19 benefits, or accrued years of service.

20 (3) Proposed changes to any transition department boards,
21 commissions, committees, councils, or other bodies and their
22 functions.

23 (4) Office space and infrastructure requirements related
24 to the transition.

25 (5) Any work site location changes for transitioning
26 employees.

27 (6) The transition of service delivery sites.

28 (7) Procedures for the transfer and reconciliation of
29 budgeting and funding between the transition departments and
30 the department.

31 (8) The transition of technology services of the transition
32 departments to the department.

33 (9) Any additional known tasks that may require completion
34 after the transition on July 1, 2023.

35 c. The written transition plan published under paragraph

1 "b" shall:

2 (1) Include a detailed timeline for the completion of the
3 tasks described.

4 (2) Be updated quarterly during the remainder of the
5 transition period.

6 (3) Describe how information will be provided to clients
7 of the transition departments and the department regarding any
8 changes in service delivery.

9 (4) Describe how the transition to the department will be
10 funded, including how expenses associated with the transition
11 will be managed; how funding for services provided by the
12 transition departments will be managed to ensure provision
13 of services by the transition departments and the department
14 without interruption; and how federal funds will be used by
15 or transferred between the transition departments and the
16 department to ensure provision of services by the transition
17 departments and the department without interruption.

18 6. Statutory and administrative rule updates.

19 a. Legislative changes required to implement the
20 transition. Additional legislation is necessary to fully
21 implement the transition. The director of the department
22 of health and human services shall, in compliance with
23 section 2.16, prepare draft legislation for submission to the
24 legislative services agency, as necessary, for consideration
25 by the general assembly during the 2023 legislative
26 session, to implement the transition effective July 1, 2023.
27 Notwithstanding any provision to the contrary in section 2.16,
28 the draft legislation shall be submitted to the legislative
29 services agency by October 1, 2022.

30 b. Update of administrative code required by the
31 transition. In updating references and the format in the
32 Iowa administrative code, in order to correspond to the
33 transferring of duties of the transition departments, the
34 administrative rules coordinator and the administrative rules
35 review committee, in consultation with the administrative code

1 editor, shall collectively develop a schedule for the necessary
2 updating of the Iowa administrative code.

3 DIVISION XII

4 NON-STATE GOVERNMENT-OWNED NURSING FACILITY QUALITY
5 OF CARE RATE ADD-ON PROGRAM

6 Sec. 51. Section 249L.2, subsections 6 and 7, Code 2022, are
7 amended by striking the subsections.

8 Sec. 52. Section 249L.2, subsection 8, Code 2022, is amended
9 to read as follows:

10 8. "*Nursing facility*" means a licensed nursing facility as
11 defined in [section 135C.1](#) that is a freestanding facility or
12 a nursing facility operated by a hospital licensed pursuant
13 to [chapter 135B](#), but does not include a distinct-part skilled
14 nursing unit or a swing-bed unit operated by a hospital, or
15 a nursing facility owned by the state or federal government
16 or other governmental unit. ~~"Nursing facility" includes a~~
17 ~~non-state government-owned nursing facility if the nursing~~
18 ~~facility participates in the non-state government-owned nursing~~
19 ~~facility quality of care rate add-on program.~~

20 Sec. 53. REPEAL. 2019 Iowa Acts, chapter 85, sections 103,
21 104, and 108, are repealed.

22 Sec. 54. REPEAL. 2020 Iowa Acts, chapter 1063, section 390,
23 is repealed.

24 DIVISION XIII

25 HEARING AIDS AND AUDIOLOGIC SERVICES FUNDING PROGRAM —
26 ADMINISTRATION

27 Sec. 55. HEARING AID AND AUDIOLOGIC SERVICES FUNDING
28 PROGRAM ADMINISTRATION. The Iowa department of public
29 health shall not enter into a contract with a third party to
30 administer the hearing aids and audiologic services funding
31 program and shall adopt rules pursuant to chapter 17A to
32 administer the program within the department, including but not
33 limited to the administration of the application process, the
34 determination of applicants' eligibility, the enrollment of
35 eligible applicants into the program, the maintenance of the

1 hearing aids and audiologic services funding waitlist, and the
2 reimbursement of providers.

3 DIVISION XIV

4 HEARING AIDS AND AUDIOLOGIC SERVICES FUNDING PROGRAM —
5 FY 2021-2022 NONREVERSION

6 Sec. 56. 2021 Iowa Acts, chapter 182, section 3, subsection
7 2, paragraph e, is amended to read as follows:

8 e. Of the funds appropriated in this subsection, \$156,000
9 shall be used to provide audiological services and hearing
10 aids for children. Notwithstanding section 8.33, moneys
11 appropriated in this paragraph that remain unencumbered or
12 unobligated at the close of the fiscal year shall not revert
13 but shall remain available for expenditure for the purposes
14 designated until the close of the succeeding fiscal year. The
15 amount that does not revert shall be reported by the department
16 to the general assembly.

17 Sec. 57. EFFECTIVE DATE. This division of this Act, being
18 deemed of immediate importance, takes effect upon enactment.

19 DIVISION XV

20 ADMISSION OR TRANSFER OF PERSONS WITH A DIAGNOSIS OF AN
21 INTELLECTUAL DISABILITY TO A STATE MENTAL HEALTH INSTITUTE

22 Sec. 58. Section 4.1, subsection 9A, Code 2022, is amended
23 by striking the subsection and inserting in lieu thereof the
24 following:

25 9A. "*Intellectual disability*" means a diagnosis of
26 intellectual disability or intellectual developmental disorder,
27 global developmental delay, or unspecified intellectual
28 disability or intellectual developmental disorder which
29 diagnosis shall be made only when the onset of the person's
30 condition was during the developmental period and based on an
31 assessment of the person's intellectual functioning and level
32 of adaptive skills. A diagnosis of intellectual disability
33 shall be made by a licensed psychologist or psychiatrist who
34 is professionally trained to administer the tests required to
35 assess intellectual functioning and to evaluate a person's

1 adaptive skills and shall be made in accordance with the
2 criteria provided in the current version of the diagnostic
3 and statistical manual of mental disorders published by the
4 American psychiatric association.

5 Sec. 59. Section 226.8, Code 2022, is amended to read as
6 follows:

7 **226.8 Persons with a diagnosis of an intellectual disability**
8 **not receivable — exception — admission or transfer to state**
9 **mental health institute.**

10 1. A Admission or transfer pursuant to section 222.7 to
11 a state mental health institute of a person who has with a
12 diagnosis of an intellectual disability, as defined in section
13 4.1, shall not be admitted, or transferred pursuant to section
14 222.7, to a state mental health institute unless a professional
15 diagnostic evaluation indicates that such only occur under the
16 following conditions:

17 a. If all of the following requirements are met:

18 (1) The person has been determined by the state mental
19 health institute to meet admission criteria for inpatient
20 psychiatric care.

21 (2) The state mental health institute has determined the
22 person will benefit from psychiatric treatment or from some
23 other specific program available at the state mental health
24 institute to which it is proposed to admit or transfer the
25 person.

26 (3) There is sufficient capacity available at the state
27 mental health institute to support the needs of the person.

28 b. If determined appropriate for the person at the
29 sole discretion of the director of human services, the
30 administrator, or the director's or administrator's designee.

31 2. Charges for the care of any person with a diagnosis of
32 an intellectual disability admitted to a state mental health
33 institute shall be made by the institute in the manner provided
34 by chapter 230, but the liability of any other person to any
35 county mental health and disability services region for the

1 cost of care of such person with a diagnosis of an intellectual
2 disability shall be as prescribed by section 222.78.

3 DIVISION XVI

4 COLLEGES OF MEDICINE AND DENTISTRY — RESIDENCY — REPORTS

5 Sec. 60. Section 262.9, Code 2022, is amended by adding the
6 following new subsection:

7 NEW SUBSECTION. 39. Adopt a policy requiring that not less
8 than seventy-five percent of the students who are accepted
9 at the college of medicine in the doctor of medicine program
10 and who are accepted at the college of dentistry at the state
11 university of Iowa be residents of Iowa or persons who were,
12 prior to applying to such college, enrolled in an eligible
13 postsecondary institution as defined in section 261E.2.

14 Sec. 61. Section 263.2, Code 2022, is amended to read as
15 follows:

16 **263.2 Degrees — reports.**

17 1. A person shall not be admitted to courses of instruction
18 in the university if the person has not completed the
19 elementary instruction in such branches as are taught in the
20 public or accredited nonpublic schools throughout the state.

21 2. Graduates of the university shall receive degrees or
22 diplomas, or other evidences of distinction such as are usually
23 conferred and granted by universities and are authorized by the
24 state board of regents.

25 3. The state university of Iowa, in collaboration with the
26 university hospitals and clinics, shall submit an annual report
27 to the general assembly providing the following information:

28 a. The states in which members of each graduating class
29 from the college of dentistry and the college of medicine's
30 doctor of medicine program reside during the year immediately
31 following graduation. The information shall be categorized
32 by either residents of Iowa at the time of application to the
33 college or nonresidents at the time of application to the
34 college.

35 b. The states in which the university of Iowa hospitals and

1 clinics primary care and specialty residents reside in the year
 2 following completion of medical residency and whether following
 3 residency such residents accepted fellowships. The information
 4 shall be categorized by primary care and the various areas of
 5 specialty, and shall specify whether the medical residents
 6 were residents of Iowa prior to applying for admission at an
 7 undergraduate college or university, received a baccalaureate
 8 degree from a postsecondary institution in Iowa, or graduated
 9 from a medical school in Iowa, whether or not the medical
 10 residents were residents of the state at the time of acceptance
 11 into the university of Iowa hospitals and clinics' residency
 12 programs and, if any residents accepted fellowships following
 13 residency, the states in which the fellowships are offered and
 14 the areas of specialty under the fellowships.

15 DIVISION XVII

16 MEDICAL RESIDENCY POSITIONS AND AUDITION CLINICALS

17 Sec. 62. MEDICAL RESIDENCY POSITIONS AND AUDITION CLINICALS
 18 — MEDICAL STUDENTS AND APPLICANTS MEETING CERTAIN CRITERIA —
 19 ANNUAL REPORT.

20 1. The university of Iowa hospitals and clinics shall offer
 21 an interview for an available medical residency position to
 22 any applicant who has a residency specialty in obstetrics and
 23 gynecology, psychiatry, general surgery, emergency medicine,
 24 cardiology, neurology, or primary care and who also is a
 25 resident of Iowa, attended and earned an undergraduate degree
 26 from an Iowa college or university, or attended and earned a
 27 medical degree from a medical school in Iowa.

28 2. The university of Iowa hospitals and clinics shall
 29 provide the opportunity to a medical student attending a
 30 medical school in Iowa to participate in an audition clinical
 31 in the medical residency specialty for which the medical
 32 student applies to allow the university to constructively
 33 review the student in a clinical setting.

34 3. The university of Iowa hospitals and clinics shall submit
 35 a report to the governor and the general assembly by January

1 15, annually, regarding the interviews and audition clinicals
 2 as specified in this section during the prior fiscal year.
 3 Specifically, the report shall include for each interview or
 4 audition clinical the name of the student's or applicant's
 5 medical school, whether an applicant was offered and
 6 participated in an interview, whether the student was offered
 7 and participated in an audition clinical, whether the applicant
 8 was accepted for one of the residency program positions, and
 9 the total number of available residency positions filled by an
 10 applicant meeting the criteria under this section.

11 DIVISION XVIII

12 HEALTH CARRIERS — TELEHEALTH

13 Sec. 63. Section 514C.34, subsection 3, Code 2022, is
 14 amended to read as follows:

15 3. a. Health care services that are delivered by telehealth
 16 must be appropriate and delivered in accordance with applicable
 17 law and generally accepted health care practices and standards
 18 prevailing at the time the health care services are provided,
 19 including all rules adopted by the appropriate professional
 20 licensing board, pursuant to [chapter 147](#), having oversight
 21 of the health care professional providing the health care
 22 services.

23 b. A health carrier shall not exclude a health care
 24 professional who provides services for mental health
 25 conditions, illnesses, injuries, or diseases and who is
 26 physically located out-of-state from participating as a
 27 provider, via telehealth, under a policy, plan, or contract
 28 offered by the health carrier in the state if all of the
 29 following requirements are met:

30 (1) The health care professional is licensed in this state
 31 by the appropriate professional licensing board and is able
 32 to deliver health care services for mental health conditions,
 33 illnesses, injuries, or diseases via telehealth in compliance
 34 with paragraph "a".

35 (2) The health care professional is able to satisfy the same

1 criteria that the health carrier uses to qualify a health care
2 professional who is located in the state, and who holds the
3 same license as the out-of-state professional, to participate
4 as a provider, via telehealth, under a policy, plan, or
5 contract offered by the health carrier in the state.

6 Sec. 64. EFFECTIVE DATE. This division of this Act, being
7 deemed of immediate importance, takes effect upon enactment.

8 Sec. 65. APPLICABILITY. This division of this Act applies
9 to health carriers that deliver, issue for delivery, continue,
10 or renew a policy, contract, or plan in this state on or after
11 the effective date of this Act.

12 DIVISION XIX

13 NURSING FACILITY CONSTRUCTION OR EXPANSION RELIEF

14 Sec. 66. Section 249K.2, subsection 4, Code 2022, is amended
15 to read as follows:

16 4. "*Major renovations*" means construction or facility
17 improvements to a nursing facility in which the total amount
18 expended exceeds ~~one million five~~ seven hundred fifty thousand
19 dollars.

20 Sec. 67. Section 249K.5, subsection 2, Code 2022, is amended
21 by adding the following new paragraph:

22 NEW PARAGRAPH. c. The nursing facility for which relief
23 or an exception is requested is proposing replacement or
24 enhancement of an HVAC, as defined in section 105.2, system for
25 improved infection control.

26 Sec. 68. ADMINISTRATIVE RULES — ADOPTION AND
27 AMENDMENT. The department of human services shall adopt or
28 amend rules pursuant to chapter 17A to administer this division
29 of this Act. Specifically, the department shall amend rules
30 relating to nursing facility additional requirements for all
31 requests for the capital cost per diem instant relief add-on
32 and enhanced nondirect care rate component limit to provide
33 that with regard to the additional requirements a nursing
34 facility must meet, the facility has Medicaid utilization at
35 or above forty percent for the two-month period before the

1 request for additional reimbursement is submitted. Medicaid
2 utilization for this purpose is calculated as total nursing
3 facility Medicaid patient days divided by total in-house
4 patient days as reported on the facility's most current
5 financial and statistical report.

6 DIVISION XX

7 HEALTH CARE PROVIDERS — COVID-19 AND EXPERIMENTAL TREATMENTS

8 Sec. 69. Section 144E.2, subsection 1, paragraphs a, c, and
9 e, Code 2022, are amended to read as follows:

10 a. Has a terminal illness, attested to by ~~the patient's~~ a
11 treating physician, or is receiving mechanical ventilation to
12 prolong life.

13 c. Has received a recommendation from ~~the individual's~~ a
14 physician for an investigational drug, biological product, or
15 device.

16 e. Has documentation from ~~the individual's~~ a physician that
17 the individual meets the requirements of this subsection.

18 Sec. 70. Section 144E.2, subsection 2, Code 2022, is amended
19 to read as follows:

20 2. "*Investigational drug, biological product, or device*"
21 means a any of the following:

22 a. A drug, biological product, or device that has
23 successfully completed phase 1 of a United States food and drug
24 administration-approved clinical trial but has not yet been
25 approved for general use by the United States food and drug
26 administration and remains under investigation in a United
27 States food and drug administration-approved clinical trial.

28 b. An off-label use of a drug.

29 Sec. 71. Section 144E.2, Code 2022, is amended by adding the
30 following new subsection:

31 NEW SUBSECTION. 2A. "*Off-label use of a drug*" means
32 the legal, prescribed use of a drug in a manner different
33 from that described on the United States food and drug
34 administration-approved drug label, including the use of a
35 drug for a different disease or medical condition or giving

1 a drug at a different dose or through a different route of
2 administration other than that approved by the United States
3 food and drug administration.

4 Sec. 72. Section 144E.2, subsection 4, unnumbered paragraph
5 1, Code 2022, is amended to read as follows:

6 "*Written informed consent*" means a written document that
7 is signed by the patient, a parent of a minor patient, or a
8 legal guardian or other legal representative of the patient and
9 attested to by ~~the patient's~~ a treating physician and a witness
10 and that includes all of the following:

11 Sec. 73. Section 144E.2, subsection 4, paragraphs b and d,
12 Code 2022, are amended to read as follows:

13 b. An attestation that the patient concurs with ~~the~~
14 ~~patient's~~ a treating physician in believing that all products
15 and treatments approved by the United States food and drug
16 administration are unlikely to prolong the patient's life.

17 d. A description of the best and worst potential outcomes
18 of using the investigational drug, biological product, or
19 device and a realistic description of the most likely outcome.
20 The description shall include the possibility that new,
21 unanticipated, different, or worse symptoms might result
22 and that death could be hastened by use of the proposed
23 investigational drug, biological product, or device. The
24 description shall be based on ~~the~~ a treating physician's
25 knowledge of the proposed investigational drug, biological
26 product, or device in conjunction with an awareness of the
27 patient's condition.

28 Sec. 74. Section 144E.4, Code 2022, is amended by adding the
29 following new subsection:

30 NEW SUBSECTION. 5. This chapter does not create a duty
31 for a hospital licensed under chapter 135B to credential any
32 physician.

33 Sec. 75. Section 144E.8, subsection 1, Code 2022, is amended
34 to read as follows:

35 1. **This chapter** shall not create a private cause of

1 action against a manufacturer of an investigational drug,
 2 biological product, or device, against a physician, health care
 3 practitioner, or facility that provides necessary follow-up
 4 care, or against any other person or entity involved in the
 5 care of an eligible patient using the investigational drug,
 6 biological product, or device for any harm done to the eligible
 7 patient resulting from the investigational drug, biological
 8 product, or device, if the manufacturer or other person or
 9 entity is complying in good faith with the terms of this
 10 chapter and has exercised reasonable care.

11 Sec. 76. Section 144E.9, Code 2022, is amended to read as
 12 follows:

13 **144E.9 Assisting suicide.**

14 This chapter shall not be construed to allow a ~~patient's~~
 15 ~~treating~~ physician to assist ~~the~~ a patient in committing or
 16 attempting to commit suicide as prohibited in [section 707A.2](#).

17 Sec. 77. Section 686D.6, Code 2022, is amended to read as
 18 follows:

19 **686D.6 Liability of and disciplinary actions against health**
 20 **care providers.**

21 1. A health care provider shall not be liable for civil
 22 damages or subject to disciplinary action by the health
 23 care provider's licensing board for causing or contributing,
 24 directly or indirectly, to the death or injury of an individual
 25 as a result of the health care provider's acts or omissions
 26 while providing or arranging health care in support of the
 27 state's response to COVID-19. [This subsection](#) shall apply to
 28 all of the following:

29 a. Injury or death resulting from screening, assessing,
 30 diagnosing, caring for, or treating individuals with a
 31 suspected or confirmed case of COVID-19.

32 b. Prescribing, administering, or dispensing a
 33 pharmaceutical for off-label use to treat a patient with a
 34 suspected or confirmed case of COVID-19.

35 c. Acts or omissions while providing health care to

1 individuals unrelated to COVID-19 when those acts or omissions
2 support the state's response to COVID-19, including any of the
3 following:

4 (1) Delaying or canceling nonurgent or elective dental,
5 medical, or surgical procedures, or altering the diagnosis or
6 treatment of an individual in response to any federal or state
7 statute, regulation, order, or public health guidance.

8 (2) Diagnosing or treating patients outside the normal
9 scope of the health care provider's license or practice.

10 (3) Using medical devices, equipment, or supplies outside
11 of their normal use for the provision of health care, including
12 using or modifying medical devices, equipment, or supplies for
13 an unapproved use.

14 (4) Conducting tests or providing treatment to any
15 individual outside the premises of a health care facility.

16 (5) Acts or omissions undertaken by a health care provider
17 because of a lack of staffing, facilities, medical devices,
18 equipment, supplies, or other resources attributable to
19 COVID-19 that renders the health care provider unable to
20 provide the level or manner of care to any person that
21 otherwise would have been required in the absence of COVID-19.

22 (6) Acts or omissions undertaken by a health care provider
23 relating to use or nonuse of personal protective equipment.

24 2. This section shall not relieve any person of liability
25 for civil damages or a health care provider from disciplinary
26 action by the health care provider's licensing board for any
27 act or omission which constitutes recklessness or willful
28 misconduct.

29 Sec. 78. EFFECTIVE DATE. This division of this Act, being
30 deemed of immediate importance, takes effect upon enactment.

31 DIVISION XXI

32 HEALTH-RELATED DATA

33 Sec. 79. Section 11.41, subsection 3, Code 2022, is amended
34 to read as follows:

35 3. If the information, records, instrumentalities, and

1 properties sought by the auditor of state are required by law
 2 to be kept confidential, the auditor of state shall have access
 3 to the information, records, instrumentalities, and properties,
 4 but shall maintain the confidentiality of all such information
 5 and is subject to the same penalties as the lawful custodian
 6 of the information for dissemination of the information.
 7 However, the auditor of state shall not have access to the
 8 income tax returns of individuals or to an individual's name
 9 or residential address from a reportable disease report under
 10 section 139A.3.

11 Sec. 80. Section 135.166, subsection 2, Code 2022, is
 12 amended to read as follows:

13 2. Unless otherwise authorized or required by state or
 14 federal law, data collected under **this section** shall not
 15 include the social security number or name of the individual
 16 subject of the data.

17 Sec. 81. Section 139A.3, Code 2022, is amended by adding the
 18 following new subsection:

19 NEW SUBSECTION. 1A. A state or local agency employee
 20 or agent shall not have access to personally identifiable
 21 information included in a reportable disease report provided
 22 to or maintained by the department, a local board, or a local
 23 department, unless the employee or agent has completed data
 24 confidentiality training.

25 DIVISION XXII

26 PSYCHIATRY RESIDENCY PROGRAM

27 Sec. 82. NEW SECTION. 135.180 **State-funded psychiatry**
 28 **residency program — fund — appropriations.**

29 1. The university of Iowa hospitals and clinics shall
 30 administer a state-funded psychiatry residency program
 31 in cooperation with the state mental health institutes at
 32 Independence and Cherokee, the state resource centers at
 33 Glenwood and Woodward, the state training school at Eldora,
 34 and the Iowa medical and classification center at Oakdale.
 35 The university of Iowa hospitals and clinics shall expand the

1 psychiatry residency program to provide additional residency
2 positions by providing financial support for residency
3 positions which are in excess of the federal residency cap
4 established by the federal Balanced Budget Act of 1997, Pub. L.
5 No. 105-33. Participating residents shall complete a portion
6 of their psychiatry training at one of the state mental health
7 institutes, the state resource centers, the state training
8 school, or the Iowa medical and classification center at
9 Oakdale. For accreditation-required clinical experiences not
10 available at the state mental health institutes, the state
11 resource centers, the state training school, or the Iowa
12 medical and classification center at Oakdale, the psychiatry
13 residency program and its residents may utilize clinical
14 rotations at the university of Iowa hospitals and clinics and
15 its affiliates across the state.

16 2. The residency program shall provide for the awarding
17 of twelve residency positions for each class of residents.
18 Preference in the awarding of residency positions shall
19 be given to candidates who are residents of Iowa, attended
20 and earned an undergraduate degree from an Iowa college or
21 university, or attended and earned a medical degree from a
22 medical school in Iowa.

23 3. A psychiatry residency program fund is created in
24 the state treasury consisting of the moneys appropriated or
25 credited to the fund by law. Notwithstanding section 8.33,
26 moneys in the fund at the end of each fiscal year shall not
27 revert to any other fund but shall remain in the psychiatry
28 residency program fund for use in subsequent fiscal years.
29 Moneys in the fund are appropriated to the university of Iowa
30 hospitals and clinics to be used for the purposes of the
31 program. For fiscal years beginning on or after July 1, 2023,
32 there is appropriated from the general fund of the state to the
33 psychiatry residency program fund the following amounts to be
34 used for the purposes of the program:

35 a. For the fiscal year beginning July 1, 2023, one million

1 two hundred thousand dollars.

2 *b.* For the fiscal year beginning July 1, 2024, two million
3 four hundred thousand dollars.

4 *c.* For the fiscal year beginning July 1, 2025, three million
5 six hundred thousand dollars.

6 *d.* For the fiscal year beginning July 1, 2026, and each
7 fiscal year thereafter, four million eight hundred thousand
8 dollars.

EXPLANATION

10 The inclusion of this explanation does not constitute agreement with
11 the explanation's substance by the members of the general assembly.

12 This bill relates to appropriations for health and human
13 services for fiscal year (FY) 2022-2023 to the department of
14 veterans affairs, Iowa veterans home, department on aging
15 (IDA), office of long-term care ombudsman, department of public
16 health (DPH), Iowa finance authority, department of human
17 rights, and department of human services (DHS). The bill is
18 organized into divisions for each fiscal year.

19 DEPARTMENT ON AGING. This division makes appropriations
20 from the general fund of the state to the department on aging.

21 OFFICE OF LONG-TERM CARE OMBUDSMAN. This division makes
22 appropriations from the general fund of the state to the office
23 of long-term care ombudsman.

24 DEPARTMENT OF PUBLIC HEALTH. This division makes
25 appropriations from the general fund of the state and from
26 the sports wagering receipts fund to the department of public
27 health.

28 DEPARTMENT OF VETERANS AFFAIRS AND IOWA VETERANS HOME. This
29 division makes appropriations from the general fund of the
30 state to the department of veterans affairs for administration,
31 the Iowa veterans home, for transfer to the Iowa finance
32 authority for the home ownership assistance program and for the
33 county commissions of veteran affairs.

34 DEPARTMENT OF HUMAN SERVICES. This division makes
35 appropriations from the general fund of the state and the

1 federal temporary assistance for needy families block
2 grant to DHS. The allocation for the family development
3 and self-sufficiency grant program is made directly to
4 the department of human rights. The reimbursement section
5 addresses reimbursement for providers reimbursed by the
6 department of human services.

7 HEALTH CARE ACCOUNTS AND FUNDS. This division makes certain
8 health-related appropriations. A number of the appropriations
9 are made for purposes of the Medicaid program in addition to
10 the general fund appropriations made for this purpose for the
11 same fiscal year.

12 DECATEGORIZATION CARRYOVER FUNDING. This division provides
13 for the transfer of carryover decategorization funds that
14 remained unencumbered or unobligated at the close of the fiscal
15 year beginning July 1, 2021, to the Medicaid program for
16 FY 2022-2023. The division takes effect upon enactment and is
17 retroactively applicable to July 1, 2021.

18 TRANSFER OF PROPERTY TAX RELIEF FUND BALANCE. This division
19 transfers any funds remaining in the property tax relief fund
20 created in Code section 426B.1 at the close of FY 2021-2022 to
21 the region incentive fund created in the mental health and
22 disability services regional service fund pursuant to Code
23 section 225C.7A. The division takes effect upon enactment.

24 PRIOR APPROPRIATIONS AND OTHER PROVISIONS. This division
25 provides that moneys appropriated for the family investment
26 program general fund, child and family services, field
27 operations, and general administration for FY 2021-2022 shall
28 not revert but shall remain available for one-time expenditure
29 or for the purposes designated, or may be transferred and used,
30 as specified, until the close of the succeeding fiscal year.

31 PUBLIC HEALTH EMERGENCY PROVISIONS COVID-19 REGULATIONS.
32 This division provides that for FY 2022-2023, notwithstanding
33 state administrative rules to the contrary, to the extent
34 federal regulations relating to the COVID-19 pandemic differ
35 from state administrative rules, including applicable federal

1 waivers, the federal regulations are controlling during the
2 pendency of the federally declared state of emergency and for
3 such period of time following the end of the federally declared
4 state of emergency applicable to the respective federal
5 regulations.

6 HEALTH AND HUMAN SERVICES REALIGNMENT. This division
7 provides a process during a transition period beginning July
8 1, 2022, and ending June 30, 2023, for the realignment of
9 the department of public health and the department of human
10 services into the department of health and human services
11 effective July 1, 2023.

12 NON-STATE GOVERNMENT-OWNED NURSING FACILITY QUALITY OF CARE
13 RATE ADD-ON PROGRAM. This division eliminates the non-state
14 government-owned nursing facility quality of care rate add-on
15 program, and makes conforming changes in the Iowa Acts and the
16 Code.

17 HEARING AIDS AND AUDIOLOGIC SERVICES FUNDING PROGRAM —
18 ADMINISTRATION. This division prohibits DPH from entering into
19 a contract with a third party to administer the hearing aids
20 and audiologic services funding program, and requires DPH to
21 adopt administrative rules to administer the program within the
22 department.

23 HEARING AIDS AND AUDIOLOGIC SERVICES FUNDING PROGRAM. This
24 division provides that funds that were appropriated to DPH
25 for FY 2021-2022 for the hearing aids and audiologic services
26 funding program that remain unencumbered or unobligated at the
27 close of the fiscal year are not to revert, but are to remain
28 available for the purposes designated until the close of the
29 succeeding fiscal year. The amount that does not revert is to
30 be reported by DPH to the general assembly. The division takes
31 effect upon enactment.

32 ADMISSION OR TRANSFER — PERSONS WITH DIAGNOSIS OF
33 INTELLECTUAL DISABILITY — STATE MENTAL HEALTH INSTITUTE. This
34 division provides for the admission or transfer of a person
35 with a diagnosis of an intellectual disability to a state

1 mental health institute, if certain prescribed conditions are
2 met and redefines "intellectual disability" under Code section
3 4.1 (rules) for construction of statutes.

4 COLLEGES OF MEDICINE AND DENTISTRY — RESIDENCY AND
5 REPORTING. This division requires the state board of regents
6 to adopt a policy requiring that not less than 75 percent
7 of the students accepted at the colleges of medicine in the
8 doctor of medicine program and the college of dentistry at the
9 state university of Iowa be residents of Iowa or persons who
10 prior to applying to the college of medicine or dentistry were
11 enrolled in a community college in Iowa, an accredited private
12 institution in Iowa, or a regents university.

13 The division also requires the state university of Iowa, in
14 collaboration with the university of Iowa hospitals and clinics
15 (UIHC), to submit an annual report to the general assembly
16 with information relating to the residency of graduates of
17 the college of medicine's doctor of medicine program and the
18 college of dentistry during the year immediately following
19 graduation, the states in which UIHC primary care and specialty
20 residents reside following completion of medical residency, and
21 whether such residents accepted fellowships along with other
22 specifics regarding residency.

23 MEDICAL RESIDENCY POSITIONS AND AUDITION CLINICALS. This
24 division requires UIHC to offer interviews and audition
25 clinicals to specified applicants for medical residency
26 positions or for medical students attending a medical school
27 in Iowa. UIHC is required to submit an annual report to the
28 governor and the general assembly regarding the interview and
29 audition clinicals in the prior fiscal year.

30 INSURANCE CARRIERS — TELEHEALTH. This division prohibits
31 certain health carriers (carriers) from excluding certain
32 out-of-state health care professionals (professionals) who
33 provide services for mental health conditions, illnesses,
34 injuries, or diseases (mental health) from participating as
35 providers, via telehealth, under a policy, plan, or contract

1 offered by the health carrier if the professional is licensed
2 in Iowa, is able to deliver health care services for mental
3 health via telehealth in compliance with Code chapter 514C.34,
4 and is able to satisfy the same criteria that the carrier uses
5 to qualify in-state professionals, who hold the same license as
6 the out-of-state professional, as providers.

7 The division takes effect upon enactment and applies to
8 carriers that deliver, issue for delivery, continue, or renew
9 a policy, contract, or plan in this state on or after the
10 division's effective date.

11 NURSING FACILITY CONSTRUCTION OR EXPANSION RELIEF. This
12 division relates to nursing facility construction or expansion
13 under Code chapter 249K (nursing facility construction or
14 expansion). The Code chapter provides a mechanism to support
15 the appropriate number of nursing facility beds for the state
16 and to financially assist nursing facilities in remaining
17 compliant with applicable regulations.

18 The bill provides that in order to be eligible for rate
19 relief and exceptions under the Code chapter, a nursing
20 facility's major renovation value threshold is reduced from
21 \$1.5 million to \$750,000, includes, as an additional criterion
22 that a nursing facility requesting relief or an exception is
23 proposing, replacement or enhancement of an HVAC system for
24 improved infection control, and directs DHS to adopt or amend
25 administrative rules to administer the program.

26 EXPERIMENTAL TREATMENTS. This division expands the scope of
27 provisions relating to experimental treatments for terminally
28 ill persons.

29 The division expands the definition of "eligible patient"
30 to include a person who is receiving mechanical ventilation to
31 prolong life, and the definition of an "investigational drug,
32 biological product, or device" to include the off-label use of
33 a drug as defined in the division.

34 The division replaces the current required involvement of
35 the patient's physician or the patient's treating physician

1 to instead require involvement from a physician or a treating
2 physician to fulfill certain duties. The division expands
3 protections relating to a private cause of action for certain
4 persons complying in good faith with and exercising reasonable
5 care and includes other facility and licensure-related
6 protections.

7 The division takes effect upon enactment.

8 HEALTH-RELATED DATA. This division relates to
9 health-related data protections.

10 The division provides that the auditor of state shall not
11 have access to an individual's name or residential address from
12 a reportable disease report.

13 The division includes provisions related to health
14 data collected and used by the department of public health
15 (DPH). Current law directs DPH to enter into a memorandum of
16 understanding with a contractor selected through a request
17 for proposals process to collect, maintain, and disseminate
18 hospital inpatient, outpatient, and ambulatory data. Current
19 law also provides that unless otherwise authorized by state or
20 federal law, the data collected shall not include the social
21 security number of the individual subject of the data. Under
22 the division, data prohibited from collection would also
23 include the name of the individual subject of the data.

24 The division also prohibits a state or local agency employee
25 or agent from having access to personally identifiable
26 information included in a reportable disease report provided
27 to or maintained by DPH, a local board of health, or a local
28 public health department, unless the employee or agent has
29 completed data confidentiality training.

30 PSYCHIATRY RESIDENCY PROGRAM. This division requires the
31 university of Iowa hospitals and clinics (UIHC) to administer
32 a state-funded psychiatry residency program in cooperation
33 with the state mental health institutes at Independence
34 and Cherokee, the state resource centers at Glenwood and
35 Woodward, the state training school at Eldora, and the Iowa

1 medical and classification center at Oakdale. The UIHC shall
2 expand the psychiatry residency program to provide additional
3 residency positions in excess of those approved under the
4 federal residency cap. Participating residents shall complete
5 a portion of their psychiatry training at one of the state
6 institutions specified. However, if accreditation-required
7 clinical experiences are not available at one of the state
8 institutions, the program and residents may utilize clinical
9 rotations at the UIHC or its affiliates across the state. The
10 program shall award 12 residency positions for each class of
11 residents and preference in the awarding of residency positions
12 shall be given to certain candidates.

13 The division creates a psychiatry residency program fund in
14 the state treasury consisting of the moneys appropriated or
15 credited to the fund by law. Moneys in the fund at the end
16 of each fiscal year shall not revert but shall remain in the
17 fund for use in subsequent fiscal years. Moneys in the fund
18 are appropriated to the UIHC to be used for the purposes of
19 the program. The division makes appropriations for the fiscal
20 years beginning July 1, 2023, and thereafter.